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Synopsis of Statutes of General Application

ENACTED AT THE
FIRST SESSION
OF THE
TENTH LEGISLATURE

February 22nd to April 6th
1945

Prepared by
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— and —

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PROVINCE OF ALBERTA
HIS HONOUR JOHN C. BOWEN,
Lieutenant Governor

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COUNCIL**

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Premier and Provincial Treasurer

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HON. DR. W. W. CROSS,
*Minister of Health and Minister
of Public Welfare*

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and Minister of Trade and
Industry*

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Minister of Education

HON. PETER DAWSON,
Speaker

ROBERT A. ANDISON,
*Clerk of the Legislature,
Clerk of the Executive Council*

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SYNOPSIS OF STATUTES OF GENERAL APPLICATION

**Enacted at the First Session of the
Tenth Legislature**

APPROPRIATION ACT, 1945

(Chapter 1)

This Act provides for the payment out of the General Revenue Fund of \$5,584.66 on account of expenditures for the fiscal year ending the 31st day of March, 1944, and for the payment out of the General Revenue Fund of \$3,230,-615.21 on account of expenditures for the fiscal year ending the 31st day of March, 1945, and for the payment out of the General Revenue Fund of a sum not exceeding \$31,719,556.11 on account of expenditures of the public service for the fiscal year ending the 31st day of March, 1946.

This Act came into force on March 28, 1945.

DEPARTMENT OF ECONOMIC AFFAIRS ACT

(Chapter 2)

This Act establishes a new Department of the Government which will administer such Acts and regulations as may be assigned to it by the Lieutenant Governor in Council or as the Acts themselves may authorize. Authority is given to appoint a Deputy Minister and other officers and the duties of the Minister are specifically set out in section 6 which are, generally, to further and encourage orderly economic cultural and social development of the Province and to assist in the rehabilitation of persons returning to the Province from war service and from war industries.

By section 7 provision is made for the appointment of a commission or

committee to act in an advisory or administrative capacity.

Section 8 gives the Minister and any committee or commission appointed to make inquiries, the power of summoning witnesses, etc.

The Post-War Reconstruction Act is repealed by section 10 as the duties under that Act will in future be performed by the new Department. In order to enable the committee under that Act to wind-up its work, the repeal does not become effective until proclamation.

This Act came into force on March 28, 1945, except section 10 which comes into force on Proclamation.

ELECTION OF THREE MEMBERS TO REPRESENT THE MEMBERS OF THE NAVY, ARMY AND AIR FORCE RESPECTIVELY IN THE TENTH LEGISLATIVE ASSEMBLY OF THE PROVINCE, AN ACT TO VALIDATE AND CONFIRM ORDER IN COUNCIL No. 1515-44 DATED THE 26TH DAY OF SEPTEMBER, 1944, AS AMENDED BY ORDER IN COUNCIL No. 1581-44 DATED THE 4TH DAY OF OCTOBER, 1944, AND ORDER IN COUNCIL No. 1886-44 DATED THE 13TH DAY OF DECEMBER, 1944, WHEREBY REGULATIONS WERE MADE TO PROVIDE FOR THE

(Chapter 3)

The purpose of this Act is to validate the Order in Council and Regulations made on September 26th, 1944, and amended on October 4th, 1944, and December 13th, 1944, providing for the election of three members of the Tenth Legislative Assembly to represent the navy, army and air force respectively. The Regulations under which elections were held are appended to the Act and the three candidates who have been certified by the Clerk of the Executive Council as receiving the largest number of votes are declared by the Act to have been duly elected and to be members of the Tenth Legislative Assembly.

This is subject to a recount being demanded with respect to any of the services and an application for this may be made within sixty days from the date of the certificate of the Clerk

of the Executive Council. Proceedings for a recount are simplified by dispensing with security and with the affidavit required by section 100 of *The Alberta Election Act*. If, on the recount, a candidate declared elected by this Act has not the largest number of votes, his seat will be vacated and the candidate receiving the largest number of votes is declared elected.

This Act came into force on February 26, 1945.

REVISED STATUTES OF ALBERTA, 1942, AN ACT WITH RESPECT TO THE

(Chapter 4)

The purpose of this Act is to cure an omission from Schedule II of Volume IV of the Revised Statutes of a reference to a section which was omitted from the Revision. A reference to The Fraudulent Preferences Act, section 4a; 1923, chapter 5, section 46, is inserted in Schedule II which contains a list of Statutes omitted from the Revised Statutes but not repealed.

This Act came into force on April 6, 1945.

PROVINCIAL SECURITIES EXCHANGE ACT

(Chapter 5)

Under this Act the Lieutenant Governor in Council is empowered to authorize the Provincial Treasurer to make offers to the holders of provincial securities to exchange them for new securities. It is provided that an offer shall state a time within which it is to be accepted, but that the time may be extended by the Lieutenant Governor in Council upon such terms and conditions as may be prescribed.

Subsection (4) of section 3 sets out what is to be provided for in the offer, including the rate of interest on the new securities not exceeding three and one-half per centum. The dates of maturity shall be not more than thirty-three years from the date when interest first accrues, and the offer may contain terms and conditions of redemption before maturity. Provision is also made

for adjustment on the basis of payment of interest at the rate now being paid and also payment of sums equivalent to 6%, 6¾%, 8¼% and 9% respectively of the principal amount of outstanding securities.

Section 4 provides for the creation of the new securities.

Section 6 provides for the creation of a Debt Retirement Fund for the purpose of retiring new securities, etc., and further provides that a sum of not less than \$2,000,000 shall be paid into the Fund annually and that the Provincial Treasurer may, pending application of the funds as above provided, invest them in bonds of Canada.

By section 7 the Provincial Treasurer is given authority to execute all documents, etc., necessary in connection with the exchange and to appoint agents to effect the exchange, etc., and to pay fees and expenses necessary for carrying out the purposes of the Act.

This Act comes into force on Proclamation.

NATIONAL HOUSING LOANS ACT (ALBERTA)

(Chapter 6)

The purpose of this Act is to facilitate the making of loans in Alberta under *The National Housing Act, 1944 (Canada)*. It is provided that certain statutory provisions will not apply to loans under this Act. These are,—

(a) *The Judicature Act*, Section 34 (f) and section 36 (o), (p) and (q).

Section 34 (f) makes the time for redemption in a mortgage action one year unless reduced or enlarged by the Court.

Section 36 (o) restricts the right of the mortgagee to foreclosure and provides that no action shall lie on the covenant for payment in the mortgage.

Section 36 (p) directs a sale of the land in all cases where there is no redemption and provides that after a foreclosure order, no money is recoverable under the mortgage.

Section 36 (q) refers to actions brought before February 16th, 1940, and confines the remedy to the land itself.

(b) *The Land Titles Act*, Section 115. This section makes void an agreement whereby a mortgagor becomes the tenant of the mortgagee, commonly known as an attornment clause, except in cases of mortgages to the Farm Loan Board and to mortgages on houses where the form of mortgage is approved by the Lieutenant Governor in Council.

Section 3 of the Act restores a former section of *The Land Titles Act* and restores fully the validity of such attornment clauses in mortgages made under *The National Housing Act*.

(c) The Act modifies the terms of *The Vendors' and Mortgagees' Costs Exaction Act* to allow the costs set out in section 4, namely costs of making of the loan or renewal, extension or discharge thereof, also costs approved by the Dominion Government under *The National Housing Act*, 1944.

(d) *The Mechanics' Lien Act*, as it stood prior to March 30th, 1943, will apply to the loans. Certain amendments made on that date which affected a mortgagee's security by preventing the foreclosing of a lien under *The Mechanics' Lien Act* are not to apply.

This Act came into force on March 28, 1945.

ALBERTA HOUSING ASSOCIATION ACT

(Chapter 7)

This Act incorporates the Alberta Housing Association Limited.

Section 3 constitutes as a corporation the Minister of Municipal Affairs and such municipalities as become shareholders.

Section 5 fixes the capital stock at Two Million Dollars and provides that shares can only be allotted for cash, and that they shall be non-profit bearing.

Section 6 sets out the powers of the Association which generally are to lend

money on mortgage to assist in the erection of dwelling houses and to take proper security for such loans. Authority is given to the Association to apply for approval as a lending institution under *The National Housing Act, 1944*. Authority is also given to the Association to raise money by the sale of debentures in the amount of Two Million Dollars bearing interest at 3½%.

By section 7 of the Act it is provided that the Province shall subscribe for five thousand shares and purchase debentures in the sum of Five Hundred Thousand Dollars.

Section 8 deals with municipalities and enables them to purchase shares out of revenue or sinking fund, but if a municipality purchases shares it must purchase shares the par value of which is not less than One Dollar for each resident of the municipality. Likewise, municipalities may purchase debentures. Each municipality which is a shareholder may appoint some person to represent it at meetings of the Association.

Section 10 provides for a Board of Directors to be constituted as set out in the section, the Lieutenant Governor in Council to appoint not more than six and Calgary, Edmonton, other cities together, towns and villages together and municipal districts together, one each.

The first or provisional directors of the Association are named in section 13 who shall hold office until the first general meeting of shareholders, which by section 14 must be held within three months of the coming into force of this Act.

Section 15 (1) provides that the books of the Association will be open up to a day to be fixed by the Lieutenant Governor in Council, for the purchase of shares and debentures, and that the money available for loans shall be then allocated to municipalities who are shareholders, and subsection (2) sets out the method to be used in making these allocations.

Section 16 provides for the allocation of moneys not allocated pursuant to section 15 and of moneys received from the sale of shares and debentures subsequent to a day to be fixed by the Lieutenant Governor in Council.

Section 17 places limits upon the amount of loans and the rate of interest and the cost of the house with respect to which a loan is made. Loans must not exceed five thousand dollars, interest must not exceed four and one-half per cent and the house must not cost more than seven thousand five hundred dollars.

Section 18 authorizes the guarantee by the Provincial Treasurer on behalf of the Province, of debentures issued to the public.

Provision is made by section 19 for a municipality withdrawing after five years from the Association and the terms upon which it may withdraw are set out.

The Order in Council validated by section 21 is in the same terms as this Act.

This Act comes into force on Proclamation.

COAL MINES REGULATION ACT

(Chapter 8)

This new Act is limited to the operation of coal mines and many of the sections are changed accordingly. There are other changes but only the more important ones are referred to in this note.

By section 5 provision is made for inspection of the mine by the District and Electrical Inspector and for the posting of their reports.

By section 6 the Inspector is given power to examine any report book, document, instrument, lamp, or anything he may require and the Electrical Inspector is given authority to make inquiries, etc.

By section 7, where there is an accident, the inspector is given power to take possession of any report, book,

document, instrument, lamp or any other thing provided he gives a receipt for it and leaves it in the possession of the nearest detachment of the Royal Canadian Mounted Police where the owner or manager may have access to it at any reasonable time.

By section 11, provision is made before employment for a medical examination both as to physical condition and eyesight, and for a Certificate to be furnished in a satisfactory form to the Workmen's Compensation Board.

By section 12 the age for employment in charge of engine and machinery connected therewith has been increased from seventeen to nineteen years and, in the case of a person in charge of a hoisting engine, to twenty-one years. No female may be employed about a mine unless in a clerical or domestic position.

Section 41 deals with a Certificate of Competency as a mine electrician.

The distinction between Class A and Class B Miner's Certificates has been abolished by section 43 and following sections.

By section 47 provision is made permitting an electrician, mechanic, pipe fitter or any skilled employee repairing coal-cutters, machinery, cables, motors or other equipment at the working face when the mine is in normal operation without being the holder of a miner's certificate. In all other cases he must be accompanied by a person who is the holder of a first, second or third class certificate of competency.

Section 50 requires that a person to act as a mine electrician must be the holder of a certificate as a mine electrician and, in the case of mines using electrical energy not exceeding thirty kilowatts, the Chief Inspector may under certain circumstances grant a provisional certificate.

Section 57 restricts the manager of any mine, other than a small mine, from acting in the same mine in any other capacity unless specifically authorized in writing by the Chief Inspector.

By section 58 it is provided that no person can act as manager of more than one mine at the same time unless he has the permission of the Chief Inspector and the mines are operated by the same owner.

By section 60, in all mines other than a small mine, the overman is prohibited from performing the ordinary duties of an examiner or shot-lighter, except with the written approval of the District Inspector.

By section 73 provision is made for the demonstration of explosives for blasting by a person who is not the holder of a third class certificate, provided he is accompanied by or under the direction of a first, second or third class certificated man.

By section 74 it is provided that every report to be recorded in a book must be countersigned by the manager within three working days from the day on which the report is made.

Section 83 provides that the maximum number of men allowed to ride in a cage has to be approved by the District Inspector.

By section 89 it is provided that the rope used on cylindricconical drums must be examined every six months instead of three months and the safety factor of the rope shall not be less than eight when new.

By section 106 it is provided that where the Minister asks for the surrender or cancellation of a certificate because of an infraction of the regulations, the certificate or certificates to be surrendered are those under which the official was working at the time the offence was committed and any certificate of a higher degree but does not restrict the employment of the offender in respect of any lower certificate he may hold.

By section 109 it is provided that a person taking air measurements must chalk his initials and the date of measurement.

By section 110 it is provided that no person shall brush or waft out gas from any working place in the mine.

By section 114 it is provided that where a person is required at a ventilating door, a place of refuge must be provided close to the door.

By section 120 it is provided that auxiliary or booster fans underground must be installed in such a way that there can be no re-circulation of return air within the fan.

By section 129 it is provided that any part of the mine must be considered to be in a dangerous condition if the percentage of inflammable gas in the general body of the air is two and one-half per centum or upwards.

By section 132 provision is made for retaining solid pillars in the case of overlaying accumulations of water where the area is not de-watered.

By section 139 it is provided that workmen employed in a mine must at the request of the owner, agent or manager appoint a committee to inspect the mine and the cost of such inspection must be borne by the owner.

Section 145 contains the only provision of the Act dealing with explosives, as it is the intention after consultation with the operators and the union officials to establish regulations with respect to explosives.

By section 150 provision is made for the appointment of an assistant manager who shall have the same powers and duties as a manager and be subject to the same responsibilities and liabilities as a manager.

By section 174 provision is made for the establishment by the Lieutenant Governor in Council of a code of electrical rules.

By section 180 it is provided that the Minister may authorize the Chief Inspector to grant provisional certificates where there is a shortage of experienced mine officials.

This Act came into force on April 6, 1945.

MINERAL TAXATION ACT, 1945

(Chapter 9)

This Act amends and consolidates *The Mineral Taxation Act*, chapter 50, R.S.A., 1942.

Only the substantial changes made by this Act are referred to in this note.

The definition of minerals in section 2 is changed by including coal and it is now made clear that limestone, marble, etc., are not taxable unless they are being worked commercially. The definition of producing area is extended to include property within five-eighths of a mile of a mine or well which is producing or has produced minerals.

Section 3 imposes upon the registered owner a tax on all minerals in the Province (with the exceptions mentioned in the section) at a rate fixed by the Lieutenant Governor in Council not to exceed five cents per acre. The acreage tax imposed by the Act now in force was limited to non-producing areas and was at a rate not to exceed one-half cent per acre; the minimum tax is fixed by section 4 of this Act at twenty-five cents instead of one dollar as in the former Act.

Section 8 requires the assessment of minerals in producing areas to be made before June thirtieth; the former requirement was that the assessment should be made as soon as practicable after June thirtieth.

The provisions as to appeal from assessment have been changed; under the former Act there was an appeal to the Petroleum and Natural Gas Conservation Board and from that Board to the Alberta Assessment Commission. By section 11 of this Act the appeal is direct to the Alberta Assessment Commission and may be by any person on the assessment roll or by the Deputy Minister.

By section 14 of this Act it is provided that the Lieutenant Governor in Council shall fix the tax rate not exceeding ten mills. This is the same provision as in the former Act.

Section 18 of this Act provides that a Registrar of Land Titles shall not accept for registration a transfer, mortgage, lease, or assignment of lease affecting minerals unless all taxes under the Act are paid and a tax receipt or tax certificate to that effect is filed with the Registrar.

There are changes in the penalties for non-payment of taxes imposed by section 21 with respect to the producing areas. A five per cent penalty is added upon the expiration of six months from the mailing of the tax notice and another five per cent penalty at the expiration of a further period of six months. Similar penalties are imposed with respect to the non-producing areas. In the former Act these penalties were added after sixty and one hundred and twenty days respectively. Provision is also made for penalties on arrears now existing under the former Act.

By section 23 of this Act it is provided that after any taxes are in arrears for twelve months, the Deputy Minister may give a notice, warning the owner of the minerals that if the taxes are not paid within a year from the date of the mailing of the notice, his certificate of title will be cancelled and vested in the Crown. Subsection (2) provides the machinery for carrying this into effect and there is no further right of redemption.

Section 24 of this Act provides for the continued assessment of the minerals until title is vested in the Crown, and the owner, to retain his title, is required to pay within one year from the date of mailing of the notice mentioned in section 23 (1) all taxes and penalties with interest at five per cent from the date of the imposition of the second penalty imposed under section 21.

Authority is given by section 25 of this Act for the Minister to accept transfers of minerals, which are clear of encumbrances, to the Crown, in which case the owner will be relieved of all outstanding taxes.

This Act came into force on March 28, 1945.

CORONERS ACT

(Chapter 10)

This Act replaces *The Coroners Act*, being chapter 117 of the Revised Statutes of Alberta, 1942. Its main purpose is to revise the conditions under which a coroner's inquiry shall be held and to bring it into line with the provisions of the Coroners Acts of other Provinces in the Dominion. Only the material changes are referred to in this note.

Section 6 (1) of this Act replaces section 4 (1) of the former Act and provides that a coroner shall be notified in all cases where there is reason to believe that a deceased person died as a result of violence or misadventure or by unfair means, or from any cause other than disease or sickness, or as a result of negligence or misconduct or malpractice on the part of others, rather than cases where persons died an unnatural death or a sudden death of which the cause is unknown, or as a result of violence as provided under the old Act.

The Act outlines more fully the duties of coroners and the procedure to be carried out in connection with the holding of an inquest. It also provides that any five jurors may return a verdict, whereas under the old Act the jury had to render a unanimous verdict.

Section 15 of the Act provides that where a person has met death by violence in the wreck of a building, bridge, structure, embankment, aeroplane, motor vehicle, boat, machine or apparatus, the coroner may take charge of the wreckage and place a constable to guard the same. He may also prohibit any person from interfering with, destroying or carrying away the wreckage or any part thereof in order to preserve the conditions so that the jury may view the premises, and also to ensure the preservation of evidence relating to the death of the deceased.

The Act provides details of procedure in requiring the attendance of jurors and witnesses, a good deal of which was omitted from the old Act.

Section 28 of the Act provides that where a death occurs as a result of which any person is charged with murder or manslaughter arising out of such death, the Attorney General may direct that no inquest shall be held or continued touching that death. This section is inserted to do away with the necessity of holding an inquest where some person is to be charged and all the evidence will be submitted at a preliminary inquiry before a magistrate. In certain cases the trial of an accused person may be seriously prejudiced by the holding of an inquest where publicity is given to the facts and circumstances brought out at the inquest, and prejudice created in the minds of the public against the accused prior to his trial.

The Act provides forms to be used by the coroner at the inquest, many of which were omitted from the old Act.

This Act came into force on March 28, 1945.

OIL SANDS LIMITED AND BITUMOUNT HOLDING COMPANY LIMITED, AN ACT TO CONFIRM ORDER IN COUNCIL NO. 1885-44 DATED THE 6TH DAY OF DECEMBER, 1944, AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS BETWEEN THE GOVERNMENT OF THE PROVINCE OF ALBERTA AND

(Chapter 11)

The purpose of this Act is to confirm an Order in Council which authorized the execution on behalf of the Government of the three agreements which are set out in a Schedule to the Act.

The first agreement is between the Government and Oil Sands Limited and may be summarized as follows: The Government agrees to deposit with the Provincial Marketing Board the sum of Two Hundred and Fifty Thousand Dollars for the purpose of constructing a plant at Bitumount, Alberta, to separate oil from oil sands and to refine the oil. The construction and operation of this plant is to be under the supervision of a Board of Trustees consisting of two Ministers and a representative of the

Company. The plant is to be constructed by the Company in accordance with plans and specifications approved by the Board of Trustees. The Provincial Marketing Board shall, from time to time, pay the invoices and pay-rolls in connection with the construction which have been approved by the Company. The Company is to pay any cost of construction in excess of Two Hundred and Fifty Thousand Dollars and if the cost is less than that, the difference will be applied on the purchase price of the plant under the second agreement. The Government agrees to sell the plant to the Company when completed for the sum of Two Hundred and Fifty Thousand Dollars, the management and operation to remain under the supervision of the Board of Trustees until payment in full under the agreement of sale. If there is any default in the first agreement or the agreement of sale for three months, the Government may enter into possession and operate the plant. After the completion of the plant, its operation shall be subject to the conditions set out in the agreement.

(a) The Government shall have the privilege of carrying on experiments through the Research Council of Alberta or otherwise; it is provided that if any new experimental feature is installed in the plant and retained, its cost shall be added to the purchase price under the agreement of sale.

(b) If production at the plant is delayed by these experiments, the Company shall be entitled to an extension of time for completion of payments.

(c) If the Research Council develops any new invention or improvement in existing patents and obtains a patent therefor, the Government will grant to the Company a right but not an exclusive right to make or use in the Province of Alberta the inventions, etc., described in the patent.

The Company agrees to insure the works during construction in the joint names of the Government and the Company.

The second agreement in the Schedule is an agreement for sale from

the Government to the Company of the plant and the land described for the sum of Two Hundred and Fifty Thousand Dollars in ten annual instalments of Twenty-Five Thousand Dollars a year beginning on December 4th, 1946, with interest at the rate of 4% from December 4, 1945. The Company agrees to keep the property free of liens and taxes and that it will not dismantle the plant without permission of the Government. There is the usual covenant as to insurance. Provision is made that in case of default on the part of the Company, the Government may enter into possession of the property and remove it or sell it without removing it. Other provisions are contained in the agreement enabling the Government to enforce payment under the agreement notwithstanding it may have taken possession, etc.

The third agreement in the Schedule is between the Bitumount Holding Company Limited and the Government. This agreement recites that bituminous sands lease No. 3 was granted by the Province to Lloyd Rogers Champion and assigned by him to Bitumount Holding Company Limited and that the Government required additional security for the carrying out by Oil Sands Limited of its covenants under the first two agreements and that the oil sands on or under 424.5 acres shall be available for use by the Government should Oil Sands Limited default in its purchase, and the Government repossess the plant, and that the Bitumount Company had agreed to these things. The Company then agrees to convey and surrender to the Government all its title under the Bituminous Sands Lease No. 3 above referred to in the lands described therein, with the exception of certain areas described to the intent that the rights of the Company in the lands surrendered should be merged in the title of the Province and extinguished. The Company further agrees that if Oil Sands Limited makes default for a period of three months in carrying out any of its covenants in the first two agreements, it will convey and surrender to the Government all its interest in the sand lease in further par-

cels as described to the intent the rights of the Company in respect to such lands shall be merged in the title of the Province and extinguished. Section 2 of the agreement provides that all the covenants under the lease shall continue in force in relation to the lands not surrendered and that the rental shall be payable only in respect of the land not surrendered. Section 3 of the agreement provides that when Oil Sands Limited has fully paid the purchase price of the plant as provided by the agreement of sale (referred to above as the second agreement), the lands surrendered under paragraph (a) of section 1 shall again become included in and be subject to the said Bituminous Sands Lease and that the yearly rental shall again be One Dollar per acre. Section 4 is a consent by the Government to two agreements, one between Champion and Oil Sands Limited and one between Champion and Bitumount Holding Company Limited.

This Act came into force on March 28, 1945, and is retroactive to December 6, 1944.

SCHOOL GRANTS ACT, 1945

(Chapter 12)

This Act repeals *The School Grants Act*, chapter 177 of the Revised Statutes of Alberta, 1942. That Act authorized grants to school districts for the most part based on the number of authorized teaching days during which the school was kept open. The new section 2 authorizes the Lieutenant Governor in Council to make regulations for the apportionment and distribution of the moneys appropriated by the Legislative Assembly towards the support of education.

Section 3 sets out the classes of schools to which grants may be paid.

Section 4 states the purposes for which grants may be made.

Section 5 sets out the various factors to be considered by the Lieutenant Governor in Council in making the regulations authorized by section 2.

Section 6 sets out certain specific matters which may be provided for by the regulations and as to which there might be doubt as to the authority of the Lieutenant Governor in Council, unless they were specifically mentioned.

The Act is to come into force on proclamation.

JUVENILE OFFENDERS ACT

(Chapter 13)

This is a new Act and is applicable only to offences by juveniles under eighteen years of age against Provincial Statutes and by-laws of municipalities, to summary conviction matters under *The Criminal Code*, and to sexual immorality. The more serious offences, namely, indictable offences against *The Criminal Code*, will continue to be dealt with under *The Juvenile Delinquents Act*.

“Court” is defined as the Juvenile Court established under *The Child Welfare Act* and “Judge” as a Judge of the Juvenile Court designated to have jurisdiction under this Act.

Section 3 constitutes the offences to be dealt with under the Act.

Section 4 defines the duties of the Child Welfare Commission under this Act, and section 5 provides for judges of the Juvenile Court being designated to have jurisdiction under this Act.

Section 6 gives jurisdiction under this Act to Juvenile Court Judges designated for the purpose.

Sections 7 to 10 set out the procedure to be followed in the apprehension and trial of a child under this Act.

Section 11 prohibits, with the exception mentioned in subsection (3), the confinement of children in goals, etc., but only in detention homes or shelters.

Section 12 provides that where there is no detention home used exclusively for children, a child shall not be detained unless such course is considered necessary in the opinion of the officers mentioned.

Sections 13 and 14 deal with bail and postponement of hearings respectively.

Section 15 provides for informality of proceedings.

Section 16 defines the powers of the judge in cases where a child has been adjudged to be a juvenile offender, and subsection (2) authorizes the Court to make an order upon the municipality to which the child belongs to pay such amount for its support as the judge may determine to be necessary, and subsection (3) sets out how the Court is to determine the municipality to which the child belongs.

Section 17 provides that, in cases where a fine is imposed and the Court is satisfied that a parent or guardian has conduced to the commission of the offence, the Court may direct that the fine, etc., not exceeding fifty dollars, shall be paid by the parent or guardian. The section also provides for recovery of the fine, etc., against the parent by distress, and also provides for imprisonment on default.

Section 18 provides that Protestant and Roman Catholic children shall only be placed in foster homes of Protestant and Roman Catholic families respectively.

Section 19 prohibits, with certain exceptions, the presence of a child in Court during the trial or preliminary hearing of any person charged with an offence.

Section 20 prohibits a juvenile offender after conviction under this Act from being imprisoned in a goal or penitentiary or any place where adults are imprisoned.

Section 22 makes it an offence for any person to induce a child to leave a detention home, etc., or attempts to remove a child therefrom or to knowingly harbour a child who has unlawfully left an institution.

Section 23 deals with the powers of the Juvenile Court and the Judge to maintain order and to enforce the execution warrants, etc., issued by him.

Section 24 deals with the right of appeal from decisions of the Juvenile Court under this Act. An appeal can only be taken when special leave to appeal has been granted by a Judge of the Supreme Court. The procedure to be followed if leave is granted is set out in the section. Subsection (7) provides that the appeal shall be heard on the material before the Juvenile Court, and such further evidence as the Supreme Court Judge may require or permit.

This Act comes into force on May 1, 1945.

HOME FOR AGED OR INFIRM ACT

(Chapter 14)

This Act provides for the licensing of homes for aged or infirm persons and "home" is defined as a house or other building where three or more of such persons are kept for compensation.

Section 3 of the Act sets out rules to determine the residence of old or infirm persons for the purpose of deciding when a municipality is entitled to a grant under section 12.

Section 4 authorizes municipalities to pass by-laws licensing homes and also by-laws providing for the erection or purchase of a home by the municipality and to borrow money for such a purpose.

The operation of a home without a license is prohibited by sections 5 and 6.

Sections 7, 8 and 9 prescribe the method of application for a license and the contents of the license.

Section 10 gives a council a discretion to grant, refuse or cancel a license.

Section 11 prescribes the books and records to be kept by licensed homes.

Section 12 authorizes the Minister to pay grants to municipalities which have placed old or infirm residents in a licensed home and contribute to their support there. The grant with respect to any one person is not to exceed one-half of the amount paid by the municipality for his support.

Section 13 deals with the standards of accommodation, etc., required to be maintained in licensed homes to entitle a municipality to a grant and authorizes the Minister to cancel a grant when the standards are not complied with.

Section 14 authorizes the council to make regulations as to the conduct of a home, etc.

Section 15 is the penalty clause.

This Act came into force on March 28, 1945.

ALBERTA PHARMACEUTICAL ASSOCIATION ACT, 1945

(Chapter 15)

This Act amends and consolidates *The Alberta Pharmaceutical Association Act*, being chapter 288 of the Revised Statutes of Alberta, 1942. The major portion of this Act is a re-enactment of the existing Act and only the more important changes are referred to in this note.

The method of election of councillors and qualifications of voters is set out in sections 5 to 9. By section 8 for the purpose of representation on the council, the Province is divided into seven districts and each district is to be represented by a councillor. Only the members resident in a district are entitled to vote for a representative of that district, subject to an exception in the cases of members residing outside the Province. A councillor must reside in the district he represents.

Sections 10 to 17 deal with the procedure to be followed in making nominations and voting.

Important changes are made in the provisions relating to the registrations of members of the Association in the future.

Section 24 (2) sets out the qualification necessary, namely, attending courses in pharmacy at the University of Alberta, and obtaining the degree of Bachelor of Science in Pharmacy and serving such a period of pharmaceutical

interneship not exceeding twenty-four months as may be required by the council in the actual practice of pharmacy. Interneship is dealt with in section 26. This takes the place of apprenticeship and clerkship in the old Act.

There are also some changes in the Schedules to the Act.

This Act came into force on April 6, 1945.

CHIROPRACTIC ACT, 1945

(Chapter 16)

This Act establishes the Alberta Chiropractic Association as a corporation. The members of the Association shall be the chiropractors now registered under the existing Act, but only those who desire to do so are required to become active members. The others are described as non-participating members. The fees for active members are fixed as not exceeding one hundred dollars and those of non-participating members at not more than twenty-five dollars. New active members' fees also will not exceed twenty-five dollars for the first two years following initial registration.

Provision is made in section 5 (5) for the election of a "Board of Chiropractors" which, under the provisions of the Act, will be the governing body of the Association. The powers of this Board to make regulations are set out in section 6 of the Act. These regulations will not be effective until approved by the Association and the Lieutenant Governor in Council and published in *The Alberta Gazette*.

Section 7 deals with discipline of members and the Lieutenant Governor in Council is given power, on the recommendation of the Board, to cancel or suspend the registration of a member and to reinstate the registration.

Section 9 deals with the appointment and duties of an Examining Board.

Section 10 sets out the qualifications necessary to entitle a person to apply for registration. Subsection (2) makes

special provision for those persons who are attending a chiropractic school when the Act comes into force. Subsections (4) and (5) make special provisions for men discharged from the armed forces, or frozen in their occupations, providing they register at a chiropractic school within two years of discharge or release from the frozen occupation.

Provision is made in section 11 for interim licenses to be issued to qualified persons pending their examination. Subsection (5) provides an appeal to the Lieutenant Governor in Council when the Board has not recommended the registration of the applicant. Provisions are also made for further examinations after failure of a candidate.

Sections 12 and 13 deal with registration and renewal of same and the use of the term "Doctor" when it may and may not be used.

Sections 14 to 18 deal with prosecutions, which must be commenced within two years of the date of the accused offence.

Sections 19 to 24 set out the rights and duties of chiropractors and provide that an action for negligence or malpractice must be brought within six months from the date when the professional services terminated.

Sections 25 and 26 set out certain things that chiropractors are prohibited from doing.

This Act came into force on April 6, 1945.

COAL BRANCH HOSPITAL DISTRICT ACT

(Chapter 17)

This Act incorporates the above Hospital District. The Act generally is based on *The Municipal Hospitals Act* with changes made necessary by the nature of the district and the small number of ratepayers in the district.

The hospital district is defined in section 3 and is divided into three wards by section 5. The Board is to consist of

five members (section 4 (4)). The Minister is to appoint a provisional board of five members, three to represent contract holders residing in each ward and two representing ratepayers throughout the whole hospital district. Contract holders, as defined in section 2, will provide a source of revenue similar to that of ratepayers in an ordinary municipal hospital district. They will be required to enter into agreements with the Board to pay annually a sum for the hospitalization of themselves and families and to secure the contracts by orders of their employers. The ratepayers will contribute their share also to the revenue of the district through levy of a rate by the improvement district. The provisional board shall prepare a scheme along the same general lines as under *The Municipal Hospitals Act* (section 9 of the Act).

Sections 12, 13 and 14 prescribe how the scheme is to be advertised and as to methods of choosing a site for the hospital.

By section 16 the Minister, if he approves the scheme, shall fix a date for polling to ratify or reject the scheme.

Section 17 provides for voters' lists of contract holders and ratepayers.

Section 18 deals with the notice of the poll to be given by the returning officer.

Sections 19 and 20 set out who are entitled to vote on the scheme and the method of voting.

Section 22 prescribes how the site is determined if voted upon and by what vote the scheme is ratified. If the required two-thirds majority does not vote for the scheme, it may be re-submitted to a second poll within twelve months.

Provision is made for the payment of expenses if the scheme is not ratified and for variations in the scheme and alterations in the area of the district after ratification (sections 24 to 27).

Sections 28 *et seq* deal with the election of the Board. This Board consists of five members, three members elected by

wards to represent the contract holders, and one member elected at large to represent the ratepayers, and a fifth member to be appointed by the Minister of Health from among the residents of the district. The elections are to take place at meetings held when and where the Minister directs (section 28). Qualifications for candidates to represent contract holders and ratepayers respectively are found in section 29.

Sections 30 and 31 provide as to the method of nomination. The qualifications of voters are set out in section 32 and provisions as to the conduct of the poll in sections 33 to 35.

Section 36 applies *The Controverted Municipal Elections Act* to the election.

Sections 37 to 39 deal with the first meetings of the Board and the tenure of the office of members.

Section 40 deals with the vacating and filling of the office of members of the Board.

Section 41 deals with the conduct of the Board's business, appointment of officers, their duties, etc.

Section 42 deals with the appointment and duties of the auditor.

Miscellaneous powers of the Board are contained in sections 44 to 47.

Section 48 provides for meetings of the contract holders and ratepayers on request of twenty per cent of them.

Section 49 enables the Minister to investigate the affairs of the hospital.

The provisions for temporary loans in sections 50 to 52 follow closely the provisions of *The Municipal Hospitals Act*. So also do the provisions as to debentures for capital expenditures set out in sections 53 to 58.

Section 59 deals with the first and subsequent estimates of the Board which are required to be submitted to the Board of Public Utility Commissioners each year, who may confirm them or vary them, and confirm them as varied. The Board of Public Utility Commissioners may also vary the pro-

posed distribution of the estimate as between the contract holders and ratepayers.

Section 60 provides that if a minimum tax is fixed for ratepayers they shall only be liable for the difference between it and the total of taxes paid on all parcels of land in the district.

Section 61 provides for a requisition to the improvement district for its proportion of the estimate and for the improvement district levying the amount on the assessable property in the hospital district. The other provisions of this section follow *The Municipal Hospitals Act*.

Section 64 provides that regulations made by the Lieutenant Governor in Council under *The Municipal Hospitals Act* shall apply to the Coal Branch Hospital District and provisions similar to those in *The Municipal Hospitals Act* are made for the dismissal of the Board for cause and the appointment of an official administrator.

This Act came into force on April 6, 1945.

LACOMBE AND DISTRICT COMMUNITY HOSPITAL, AN ACT RESPECTING THE

(Chapter 18)

The above hospital was established by agreement between the Town of Lacombe and the Municipal District of Crown dated April 23rd, 1937, which agreement was validated by chapter 10 of the Statutes of Alberta 1937 (2nd session). Under that agreement the Municipal District of Crown was obligated to pay to the Town of Lacombe the sum of \$2,059.24 annually for a period of fifteen years. On December 22nd, 1943, the Municipal District of Crown became part of the enlarged Municipal District of Lacombe and the purpose of this Act is to settle the obligation of the new municipal district and its ratepayers to the Town of Lacombe. The effect of the Act is to affirm the above obligation in favour of the Town of Lacombe and to make it clear—

(a) that only the residents of the area described in the Act are entitled to the benefits of the agreement; and

(b) that only the ratepayers of the same area may be taxed to pay the above mentioned obligation to the Town of Lacombe.

This Act came into force on April 6, 1945, and is retroactive to January 1, 1944.

AGRICULTURAL SERVICE BOARD ACT

(Chapter 19)

The general purpose of this Act through co-operation between the Department of Agriculture and Municipal and Improvement Districts is to promote agricultural policies with a view to improve the economic welfare of the farmer including weed control and soil and water conservation programmes.

Section 3 of the Act authorizes any Council of a Municipal District to constitute an advisory board known as "The Agricultural Service Board" and provides for representatives on the Board of the Council, the ratepayers of the District and the Department of Agriculture.

Section 4 makes similar provision for the setting up of a Board in one or more Improvement Districts.

Sections 5 to 8 give certain details as to procedure.

Section 9 prescribes the duties of the Board.

Section 10 authorizes the Minister of Agriculture to enter into an agreement with any Council or with the Minister of Municipal Affairs for the purpose of assisting in soil and water conservation, weed control and other services, and authorizes him to provide for the payment of a portion of the cost of supervision and of the salary of a supervisor and for assistance towards conducting educational programmes and carrying out approved policies.

Section 11 authorizes the appointment in each Municipal District and Improve-

ment District of a qualified Field Supervisor, approved by the Board, whose duty it will be to supervise and direct in conjunction with the representative of the Department of Agriculture the policies to be adopted.

Part II of the Act relates to lands which are debilitated or in the process of becoming debilitated through weed infestation, wind or water erosion, or other causes and are in such a condition that they may become a menace to the community.

Section 13 provides that when the Board, after investigation, has found this state of affairs to exist it shall report its findings to the Council or the Minister of Municipal Affairs where the land is in an Improvement District. The Council or the Minister of Municipal Affairs may then declare the land subject to reclamation.

Section 14 provides that, when such a declaration has been made, the Field Supervisor and the representative of the Department of Agriculture shall consult with and advise the occupant of the land and if possible agree with him as to proper farming practices. Subsection (2) provides that where the condition of any land declared subject to supervision requires expenditure by the Council or the Minister of Municipal Affairs for equipment, labour, etc., such expenditure may be made through an agreement with the owner, or occupant, or both, providing for repayment. Such advances if not repaid may be charged against the land as taxes.

Section 15 deals with cases where the land has got into such a state that the action provided for in the foregoing sections will be ineffective and provides that the Board may recommend that the land should be taken from the control of the owner and occupant and in such a case the Council or Minister of Municipal Affairs may declare by by-law or order that the possession and control of the land be vested in the Council or Minister of Municipal Affairs. Such a by-law or order is to be registered in the Land Titles Office and a memorandum made on the title which

shall have priority over existing encumbrances, etc. except taxes, irrigation and drainage rates. The Council or the Minister of Municipal Affairs may enter into possession and through their agent farm the land, or they may enter into an agreement with the owner or occupant as to farming the land with a view to its reclamation and rehabilitation under the general supervision of the Field Supervisor and with the advice of the Board. The expenses are to be paid by the Council or the Minister of Municipal Affairs who shall be entitled to the revenues which are to be applied in payment of sums expended and taxes, and any surplus is to be paid to the owner or other person entitled.

Provision is made in subsection (6) of section 15 for the return of the land to the owner upon the recommendation of the Board and for the cancellation of the by-law and registration.

Authority is given by section 16 to the Minister of Agriculture to make loans to Municipal Districts to assist them in carrying out the purposes of the Act.

Section 17 authorizes the Field Supervisor and members of the Board to enter upon lands for the purpose of carrying out his duties.

This Act came into force on March 28, 1945.

LEGISLATIVE ASSEMBLY ACT AMENDMENT ACT

(Chapter 20)

This Act amends subsection (1) of section 54 of the Act.

This amendment is to enable the sessional indemnity for the 1945 Session of the Legislature to be paid to Captain J. Harper Prowse who was unable to attend the greater portion of the Session owing to the fact that he was still on active service.

This Act came into force on March 28, 1945.

**DEPARTMENT OF EDUCATION ACT
AMENDMENT ACT**

(Chapter 21)

This Act amends the above Act by empowering the Lieutenant Governor in Council to make regulations governing private schools which are defined as schools other than those defined in section 2, that is, schools organized under this Act or *The School Act*. The operation of a private school is prohibited unless it has been approved by the Minister and penalties are provided for infractions of this prohibition.

This Act came into force on March 28, 1945.

**DEPARTMENT OF LANDS AND MINES ACT
AMENDMENT ACT**

(Chapter 22)

This Act adds two subsections to section 9 of the Act. That section now provides for the Lieutenant Governor in Council appointing an Advisory Board who shall act in an advisory capacity to the Minister in the administration and development of natural resources of the Province generally with power to make such inquiries and investigations as the Minister directs. The amendment authorizes the appointment of advisory committees each of which will act in an advisory capacity to the Minister with respect to the administration and development of a particular resource which will be specified in the order appointing each committee. These committees will also have authority to undertake such inquiries and investigations as the Minister directs.

This Act came into force on March 28, 1945.

**PUBLIC WORKS DEPARTMENT ACT
AMENDMENT ACT**

(Chapter 23)

Section 17 of the Act, which is amended by section 1 of this Act, deals with tenders for construction of public works, etc. The present section requires tenders to be invited by public adver-

tisement or public notice except when the work can be more expeditiously and economically executed by order or commission or under the direction of officers of the Department. The effect of the amendment is to require tenders when the Minister deems it expedient.

Section 2 of this Act amends section 25 of the Act which section authorizes the Provincial Treasurer to advance to the Minister out of the General Revenue Fund such sums as are required to pay for equipment, stock or material required by the Department, not exceeding at any one time One Million Two Hundred Thousand Dollars. The effect of the amendment is to increase this maximum to One Million Five Hundred Thousand Dollars.

This Act came into force on March 28, 1945.

GOVERNMENT LIQUOR CONTROL ACT OF ALBERTA AMENDMENT ACT

(Chapter 24)

Section 1 of this Act adds a new subsection to section 54 which section deals with the creation of local option areas. It is intended to apply primarily to enlarged municipal districts and authorizes the Lieutenant Governor in Council to create a local option area of the whole municipal district or to create a portion or portions of it a local option area or areas.

Section 2 of this Act amends section 60 of the Act and provides that a residence of six months in a local option area is necessary to entitle a person to vote on a plebiscite. The former requirement was two months residence. The form of oath in section 63 is amended accordingly.

Section 4 of this Act adds to section 103 two new subsections dealing with interdiction orders and provides that a judge or magistrate may interdict a person convicted before him of driving a car while intoxicated where an accident is involved or a person convicted for the second time within a year of being intoxicated or drunk and dis-

orderly. Authority is also given to the judge or magistrate by subsection (1b) in any case where he convicts a person of driving a motor vehicle while intoxicated and an accident is involved, to suspend his driver's license for a period of not more than a year, and requires him to suspend the license for a year in the case of a second conviction.

This Act came into force on April 6, 1945.

PUBLIC UTILITIES ACT AMENDMENT ACT (Chapter 25)

Section 1 of this Act corrects an error in section 62 by striking out the word "adequate" and substituting "inadequate".

Section 2 adds three new subsections to section 87 of the Act. These new provisions authorize the Board to enter upon the premises of a public utility and to enforce the discontinuance of operations where an order of the Board requiring the proprietor of the public utility to make repairs or instal new safety equipment has not been complied with. Penalties are provided for the resumption of operations without the authority of the Board.

This Act came into force on March 28, 1945.

TREASURY BRANCHES ACT AMENDMENT ACT

(Chapter 26)

Section 1 of this Act strikes out subsection (3) of section 6 of the Act and substitutes two subsections (3) and (3a).

The present subsection (3) provides that depositors' contracts shall provide for either interest on the deposit or that there should be credited to the account such amount as might be fixed by the Lieutenant Governor in Council on the portion of the deposit used in purchasing specified goods from merchants who have entered into contracts with the Minister, commonly known as a pur-

chasers' bonus. The effect of the amendment to subsection (3) is to eliminate from contracts this last mentioned provision.

The new subsection (3a) cancels this provision in outstanding contracts as of April 30th, 1945, and the contracts are declared to be amended accordingly.

This Act came into force on April 6, 1945.

VITAL STATISTICS ACT AMENDMENT ACT

(Chapter 27)

Section 1 of this Act amends the definition of "Registrar General" to include his deputy so that the latter may perform duties assigned by the Act to the Registrar General.

Section 2 enacts a new section 43a which authorizes the Minister to make an agreement with the Dominion Government to supply statistical information. This is made necessary among other things, in connection with the administration of *The Family Allowances Act*.

This Act came into force on March 28, 1945.

SUPERANNUATION ACT AMENDMENT ACT

(Chapter 28)

The purpose of the amendment made by this Act is to protect the rights under the Act of certain Provincial Government employees who have been transferred to the Dominion Government Income Tax Service and the Unemployment Insurance Commission. Their contributions and the contributions by the Government may be retained in the Superannuation Fund with the privilege of the employee applying for a provincial pension upon being superannuated by the Dominion Government, or they may withdraw their own contributions at any time. If these employees return to the Provincial service their service with the Dominion Government will be counted in determining their eligibility for a pension and if the Dominion Government pays

to the Provincial Government twice the amount of the employees' contribution under the Dominion Act, which has been authorized by an amendment to the Dominion Act, the employees will be fully reinstated in the Alberta Superannuation Fund.

This Act came into force on April 6, 1945.

SUCCESSION DUTY ACT AMENDMENT ACT (Chapter 29)

This Act amends section 7 of the Act by adding a new paragraph (g).

This amendment provides exemption from payment of succession duties in respect of the pension payable to the estate of a deceased member of the Armed Forces under the provision of *The Dominion Pension Act*.

This Act came into force on March 28, 1945.

PROVINCIAL LANDS ACT AMENDMENT ACT (Chapter 30)

Section 1 of this Act adds a new subsection (3) to section 16 dealing with the residence and duties to be performed under an agricultural lease. The new subsection provides that the time during which a lessee is absent while he is enrolled as a member of the armed forces for active service or has been called up under *The Mobilization Act* and has served overseas and a further period of six months may be counted as residence under the lease, and that the time for other duties is extended accordingly. Provision is also made as to residence on other land than that leased similar to the provisions in subsection (2) of section 16 of the Act.

Section 2 of this Act provides that a certified veteran, after the lease has been in force for ten years, may receive title without payment of any purchase price.

Section 3 of this Act provides that certain limitations contained in section 18 of this Act shall not apply to certified veterans.

Section 4 of this Act amends section 38 which deals with grazing leases and provides a method of ascertaining the rental based on the production value of the land, instead of the rental now reserved in the lease.

Section 5 of this Act introduces a new section 86a providing for the payment of an unearned increment tax upon the registration of assignments on the increase in value from time to time in the land, lease, or timber license, etc., sold or issued by the Crown. The tax is fixed at the rate of ten per cent of the increase and provisions are made for fixing the values of the property assigned and the increase in such value. Provision is also made for the Minister accepting in payment of the tax a share of a product or other interest. The tax is payable by the assignor and no assignment may be registered until the tax is paid. No tax is payable on the transmission of a lease, etc., the property of a deceased person or on any transfer of same from executors or administrators to the persons entitled to the property.

By section 6 of this Act section 106 of the Act is struck out and a new section substituted. The new section makes it clear that where an assignment of a lease, etc., is registered and a substitutional lease is issued, the new lessee must execute it within one hundred and twenty days from its date.

This Act came into force on April 6, 1945.

NATURAL GAS UTILITIES ACT AMENDMENT ACT

(Chapter 31)

Paragraph (a) of section 1 of this Act amends the definition of "pipe line". The new definition for the most part is the same as the present. The principal change is the addition of the following words beginning on line 5 "including any pipe line used for the transporting of gas from any field or area where such gas is produced to or through any municipality but excluding any distribution system used for the distribution

of any such gas to the consumers in any such municipality". Paragraph (b) enacts a new definition of "public utility". Clauses (i) and (ii) correct errors in references to other paragraphs. Clause (iii) extends the present definition to works used in connection with transportation, purifying, drying, scrubbing, compressing or repressuring natural gas. Paragraph (c) introduces a new definition—"storage area".

Section 2 of this Act adds a new section 35a. This enables the Board to make temporary orders as to rates, etc., in cases where notice of a hearing or investigation into rates, charges or other matters have been given by the Board. The Board may exercise this jurisdiction when of opinion that the public interest or the interest of a proprietor, etc., of a public utility so requires and after notice has been given and representations heard. Subsection (3) authorizes and directs the Board, when it has completed its investigation and made its final order, to consider the effect of the interim order and make such adjustments, etc., as may seem just and reasonable. Provision is made by subsection (4) for any person affected by an interim order who has not received the notice provided for in subsection (1) to apply to the Board to rescind or vary the order. These provisions are made retroactive to March 24th, 1944.

Section 3 of this Act introduces a new section 67a which provides that orders of the Board override the terms of a contract which conflict with the order after it has been served upon the parties to the contract. Subsection (3) provides for a party to a contract in conflict with a Board order applying to the Board to vary or rescind the order.

Section 4 of this Act amends section 72.

(a) Subsection (1) of this section formerly read "Notwithstanding the terms of any contract, the Board shall fix and determine," which made the fixing of prices, etc., compulsory. The amendment makes this compulsory only when directed by Order in Council.

(b) The purpose of the proviso added to paragraph (a) of subsection (1) is to take from the Board the duty or power to fix the price of gasoline, the jurisdiction to do so being considered doubtful for constitutional reasons.

(c) Paragraphs (e) and (f) added to subsection (1) of section 72 extend the power of the Board to determine the prices therein mentioned, that is, of commodities and services not already provided for.

(d) The new subsection (1a) exempts the Board from the necessity of dealing with individual wells in fixing prices and authorizes it to fix prices with respect to all the wells in a field, or different sections of a field or groups of wells in a field.

Section 5 of this Act enacts a new section 80a to provide for cases where there may be an overlapping of jurisdiction between the Natural Gas Utilities Board and the Petroleum and Natural Gas Conservation Board, and provides that in such a case no order of the former Board will be effective until approved by the latter Board.

This Act came into force on April 6, 1945 and section 2 is retroactive to March 24, 1944.

PUBLIC WORKS ACT AMENDMENT ACT

(Chapter 32)

Section 1 of this Act adds a new subsection (4) to section 27 of the Act. This section deals with the establishment and operation of public ferries by the Minister of Public Works, and the amendment authorizes the making of regulations by the Minister relating thereto:

Section 2 of this Act enacts a new section 45a. This proposed section authorizes the Minister with the approval of the Lieutenant Governor in Council to make agreements with municipalities for the construction or laying out of municipal works such as parks, swimming pools, etc., the cost of construction

to be borne by the Province and municipality jointly. Subsection (3) of the new section authorizes the Minister to carry such agreements into effect and also authorizes the municipalities concerned to enter into and carry out the agreements.

This Act came into force on March 28, 1945.

PUBLIC HIGHWAYS ACT AMENDMENT ACT

(Chapter 33)

Section 1 of this Act amends section 10 of the Act which deals with agreements with local authorities as to construction of secondary highways through the area of the local authority. The effect of the amendment is to limit the application of this section to municipal districts, improvement districts and special areas.

The new section 10a enacted by section 2 of this Act provides for agreements with cities, towns and villages as to the construction of the portions of main and secondary highways within their boundaries. The proportion of the cost of construction provided for by this section is to be fixed by the agreement which must provide that the Province will not be liable for any part of the cost of construction over and above the cost of the highway outside the municipality at and near the point of connection.

The new section 10b also enacted by section 2 of this Act authorizes the Province to contribute towards the construction of a main highway through a city.

Section 3 of this Act which substitutes a new section 22 authorizes the Minister to make regulations and prescribe forms. The old section 22 only gave authority for the prescribing of forms.

This Act came into force on March 28, 1945.

AGRICULTURAL PESTS ACT AMENDMENT ACT

(Chapter 34)

Section 1 of this Act strikes out sections 15 and 16 of the Act and substitutes new sections. These sections deal with grasshopper control. The new section 15 extends the authority of the Government to maintain at certain points reserves of ingredients necessary for poisoned bait and of the bait itself, the storage costs to be paid by the Province. The new section 16 clarifies the provisions as to the liability of municipalities in connection with the supply of poisoned bait. Subsection (1) sets out the responsibility of the municipalities when the ingredients of the bait are supplied to a municipality which has a mixing station, while subsection (2) defines the liability where the mixed bait is supplied to a municipality.

Section 2 of this Act adds four new sections to the Act dealing with the control of bacterial ringrot. The new section 23 authorizes the Minister to purchase or procure stocks of suitable seed potatoes and store the same. Section 24 provides for the distribution and sale of the seed potatoes. Section 25 authorizes the Minister to purchase pesticides and to disinfect storage facilities and to make a charge for that service.

This Act came into force on March 28, 1945.

AGRICULTURAL SCHOOLS ACT AMENDMENT ACT

(Chapter 35)

Section 1 of this Act enacts new sections 7, 8 and 9 to replace the former sections. The new section 7 provides a new set-up for the Board of Agricultural Education. This Board is to consist of twelve members instead of eleven and the Minister of Agriculture is to be chairman, and the Deputy Ministers of Agriculture and Education are to be members. Of the eight members to be appointed by the Lieutenant Governor in Council, six are to be

selected from the organizations named in subsection (1).

The new section 8 provides for the appointment of a Superintendent of Agricultural Schools and defines his duties.

The new section 9 provides for an annual meeting and special meetings at the call of the chairman and authorizes the chairman to appoint committees to visit the schools and defines the duties of such committees.

Section 2 of this Act strikes out section 15 and enacts a new section to replace it. The first part of the section is unchanged and the latter part extends and clarifies the duties of the Board as an advisory body as to agricultural education generally.

This Act came into force on March 28, 1945.

DOMESTIC ANIMALS ACT (MUNICIPALITIES) AMENDMENT ACT

(Chapter 36)

Section 1 of this Act introduces a new definition of "Animal running at large". Clause (i) applies it to 'an animal off the premises of its owner and not under the immediate continuous and effective control of the owner' while clause (ii) applies it to animals, whether under control of an owner or not, which are grazing on lands of which the owner of the animals has no right of occupation, or are grazing upon a highway.

Section 2 amends section 18 and changes the form of notice of introduction of a by-law under the Act by changing the number of proprietary electors who may by petition apply for a vote on the by-law from "at least forty proprietary electors" to "fifteen per cent of the proprietary electors of that part of the municipality covered by the by-law."

The amendment to section 26 made by section 3 of this Act defines the different ways in which an animal may be taken to a pound.

Section 27 of the Act, amended by section 4 of this Act deals with the time for appeal from the amount claimed as damages upon an impounding. The change is meant to make it more definite to the owner when the time for appeal expires. The time for appeal will be fifteen days after the impounding.

The amendment to section 28 made by section 5 of this Act is for the purpose of clarification and deals with the right of action for damages for animals trespassing. It might appear from the section as it stood that only a person impounding has an action for damages, whereas any person has a right of action, but, under the section, loses it if he impounds.

Section 7 of this Act amends section 44 of the Act dealing with fees of the poundkeeper. The fees for caring for certain impounded animals are increased from .25, .35, .10 and .05 to .35, .50, .20 and .10 respectively. The fee for notice to owner is increased from 25 cents to 50 cents and the maximum fees for care and sustenance are increased from \$12.00 to \$20.00.

The amendment to section 48 requires two other residents instead of one, to authorize the poundkeeper to destroy, or otherwise dispose of, a worthless animal which the owner has not redeemed. It is also provided that the secretary-treasurer may order the destruction, or other disposal, instead of the council.

This Act came into force on March 28, 1945.

DOMESTIC ANIMALS (UNORGANIZED TERRITORY) ACT AMENDMENT ACT

(Chapter 37)

Subsection (3) of section 28 which is struck out by section 1 of this Act required a poundkeeper before entering upon his duties to furnish a bond in the sum of two hundred dollars. This has been found unworkable in practice as it frequently became an impediment in getting suitable persons to accept ap-

pointments, and it was considered desirable to repeal the provision.

Section 2 of this Act fixes a new set of fees of the poundkeeper under the Act and makes them uniform with the fees prescribed by *The Domestic Animals Act (Municipalities)*.

This Act came into force on March 28, 1945.

ALBERTA EVIDENCE ACT AMENDMENT ACT (Chapter 38)

Section 1 of this Act introduces a new section 34a which provides for copies of the records of births, marriages and deaths certified by the proper officers in other Provinces to be admitted in evidence in Alberta.

This Act came into force on March 28, 1945.

DEBTORS' ASSISTANCE ACT AMENDMENT ACT

(Chapter 39)

The former section 8 of the Act provided that expenditures incurred under it were to be paid out of the vote for *The Debt Adjustment Act*. The new section provides that the expenditures are to be paid out of moneys appropriated for the purpose.

This Act came into force on March 28, 1945.

SMALL DEBTS ACT AMENDMENT ACT (Chapter 40)

This Act by section 1 introduces a new section 44a into the Act. Its purpose is to provide procedure for an appeal to the District Court in cases where it has become impossible to serve the required notice on the magistrate in any case, because of his death, resignation or absence. Under the Act, notice of appeal is required to be served on the magistrate within five days of the judgment and the magistrate fixes the security and sends the same and the evidence to the District Court. The pro-

posed amendment enables an appellant to get over this difficulty by filing notice of appeal in the District Court office and applying to the District Court judge for directions as to security, trial, etc.

This Act came into force on March 28, 1945.

TOWN AND VILLAGE ACT AMENDMENT ACT

(Chapter 41)

Section 1 of this Act amends section 2 of the Act. A new definition of "conditional owner" is introduced in this Act and the other municipal Acts. This section also introduces a new definition of "proprietary elector". The change in the definition provides that where several persons who are non-residents own one lot only one of them can vote as a proprietary elector.

Section 3 of this Act amends section 37 of the above Act by requiring orders made under that section to be published in *The Alberta Gazette*.

Section 44 of the Act, which is amended by section 4 of this Act, deals with the qualifications of councillors. The change made by paragraph (a) is that a candidate must be able to read and write English and not merely to read and write as it was formerly in the Act. Paragraph (b) simplifies the provisions as to the qualifications by reason of being assessed.

Section 5 of this Act amends section 50 of the Act dealing with a general election in a town where casual vacancies have to be filled as well as the regular vacancies. The Act now provides for the casual vacancies being filled by those receiving the lower number of votes but no provision was made where there was no contest. The proviso added to subsection (2) of section 50 supplies this omission.

Section 6 of this Act supplies the same omission with respect to a general election in a village.

Section 102 of the Act, which is amended by section 7 of this Act, deals

with the qualifications of voters at the first election in a village, before there is a voters' list. The amendment in subsection (2) incorporates the provisions of section 105 of the Act which is repealed.

Section 103 of the Act, which is substituted by section 8 of this Act, deals with the persons entitled to vote in a village after a voters' list has been completed. The new section extends the franchise to all persons of the age of twenty-one years who are British subjects and have resided in the village for six months prior to the last day of September of the previous year, and who take the prescribed oath. Those on the assessment roll may vote although not residents and although not British subjects.

Section 9 of this Act enacts a new section 104 dealing with the right to vote in towns similar to the above.

Section 105 of the Act, enacted by section 11 of this Act, provides for the enumeration of voters who are not on the assessment roll, which is made necessary by the extended franchise given by sections 103 and 104.

Section 106 of the Act, amended by section 12 of this Act, deals with the preparation of the voters' list in towns and villages. The principal change is the new subsection (3a) providing for the entering in the voters' list of the names on the enumerators' list.

Section 13 of this Act amends section 108 of the Act. The old section dealt with a notice to be posted before the 31st day of August notifying tenants, and relatives of ratepayers, of their right to have their names added to the list. This is no longer necessary as tenants and relatives of ratepayers will no longer vote as such, but qualify if at all, as residents who are British subjects, etc.

Section 109, which is struck out by section 14 of this Act, no longer is applicable. It provided for the secretary of the town adding to the voters' list the names of persons assessed for land in the school district outside the town.

In future this land will be assessed by the rural municipality. The amendment to section 137 is made for the same reason. It strikes out all the words after the words "voters' list" in the third line.

Section 16 of this Act cures an omission in section 153 of the Act which now refers only to a village.

Section 153*a* is inserted by section 17 of this Act. It provides for an oath being put to a voter whose name is not on the voters' list.

The amendment to section 154, in section 18 of this Act, deals with the procedure on voting day. Paragraph (*h*) which is struck out, dealt with the right to vote as between owners and purchasers, and is dealt with already in this Act.

The new section 161, enacted by section 19 of this Act, enables blind and other incapacitated persons to vote with the assistance of a friend. Formerly the deputy returning officer marked the ballot.

Section 207, amended by section 20 of this Act, authorizes a council to buy land for an airport or to make grants in connection with same. The amendment enables the council to combine in these matters with another municipality.

The new section 232*a* enacted by section 21 of this Act enables towns and villages to co-operate with other municipalities in providing joint isolation hospital facilities and to borrow for such purpose without submitting a by-law to the ratepayers.

Section 23 of this Act revises section 296 of the Act, dealing with estimates, to bring it in line with changes in other statutes dealing with requisitions etc., and towns and villages are now therefore dealt with together. Subsection (4) deals separately with requisitions under *The School Act* and *The Municipal Hospitals Act* in (*a*) and under *The Social Service Tax Act* in (*b*). There is no material change in subsections (5), (6) and (7) from the former subsections (6), (7) and (8).

Section 24 of this Act cures an omission in section 297 by adding the words "or village" after the word "town" in the 9th line.

Section 299, amended by section 25 of this Act, deals with the minimum tax for school purposes, the imposition of which was subject to the approval of the Minister of Education. The amendment makes it subject to the approval of the Minister of Municipal Affairs.

Section 26 of this Act changes the heading after section 301 to "School Requisitions".

Section 302, repealed by section 27 of this Act, dealt with the rate of taxation in town school districts on farm lands outside the town. This section is no longer applicable as the rate will be imposed by the rural municipality under new provisions of *The School Taxation Act*.

The new section 302 provides for the payment by the town or village of the requisitions made by school districts and divisions.

Section 28 of this Act corrects a mistake by changing "assessor" to "secretary-treasurer" in subsection (3) of section 306.

Section 29 of this Act strikes out words in section 309 dealing with tax notices which are no longer applicable. These words are "and distinguishing between them" in subsection (1).

Section 313, enacted by section 30 of this Act makes changes in discount on taxes by allowing a council to prescribe a varying rate of discount for prompt payment at various dates during the year.

By section 37 of this Act sections 23, 26, and 27 do not come into force until January 1st, 1946. These sections incorporate changes in the collection of school taxes and in the matter of requisitions.

This Act came into force on April 6, 1945, except sections 23, 26 and 27, which come into force on January 1, 1946.

MUNICIPAL DISTRICT ACT AMENDMENT ACT

• (Chapter 42)

Section 1 of this Act amends section 2 of *The Municipal District Act*. A new definition of “conditional owner” is introduced in this Act and the other municipal Acts. This section also introduces a new definition of “proprietary elector”. The change in the definition provides that where several persons who are non-residents own one lot only one of them can vote as a proprietary elector in respect of that lot.

Sections 11 and 12 of the Act deal with the formation of a municipal district and refer to the dividing of the municipality into divisions “if any”. Sections 2 and 3 of this Act strike out these words as in future there will be no municipal districts which are not divided into divisions.

The amendment made by section 4 of this Act to section 17 is to enable the establishment of electoral divisions and defining their areas after the setting up of the municipal district.

Section 5 of this Act covers the same matter referred to in sections 2 and 3 of this Act by striking out the words “if any”.

Section 6 of this Act which strikes out subsection (2) of section 22 and enacts a new subsection, enables the Minister either with or without a petition from the council to change the name and number of the municipal district. Formerly it was only possible to change the name.

Paragraph (a) of section 7 of this Act cures an omission, by adding to paragraph (e) of subsection (1) of section 28 the words “who is of the full age of twenty-one years”, and paragraph (b) is intended to make clear to the secretary-treasurer in preparing the voters’ list the right to vote where two or more persons jointly own a parcel of land or are joint purchasers of land.

Section 8 of this Act has the same object in setting out again the right to vote.

Section 9 of this Act amends section 34 dealing with the right to vote. The effect of the amendment is to require voters on the assessment roll to vote in the division where their land lies and voters not on the assessment roll to vote in the division in which they reside.

Section 10 of this Act amends section 36. Subsection (1) of the section which is struck out, is no longer necessary as it refers to municipal districts in which there are no electoral divisions. The words struck out of subsection (2) (all the words after "only" in the third line) are struck out also for the reason that they are no longer necessary as they refer to a division which is represented by more than one councillor, and there will be no such cases in the future.

The change made in section 40 by section 11 of this Act (striking out paragraph (c) of subsection (1)) is for the same reason that there are no longer municipal districts without electoral divisions.

The amendment to section 49 made by section 13 of this Act is for the same reason.

Section 50 of the Act which is re-drafted by section 14 of this Act is made necessary for the same reason as to all the districts being divided into divisions.

Sections 51, 53 and 55 of the Act, dealing with election procedure are amended.

Section 18 of this Act substitutes a new subsection (4) of section 75 of the Act which is practically the same as before except that it is clarified to the extent that where two persons are on the assessment roll for one parcel of land they can both vote, but if there is a purchaser or purchasers in possession, he or they shall vote and not the owner.

Section 19 of this Act strikes out section 84 and substitutes a new section. This section deals with persons who are incapacitated from marking their ballots through blindness or otherwise. The new provision enables them to vote with the assistance of a friend where

formerly the deputy returning officer marked the ballots.

Section 133 of the Act deals with the qualification of councillors. The first change made by section 20 of this Act requires a councillor to be able to read and write in the English language. Formerly the requirement was that he was able to read and write. Paragraph (c) of section 20 of this Act strikes out clause (i) of paragraph (f) of section 133 as this paragraph dealt with cases where there were no electoral divisions.

Section 136 of the Act which is struck out by section 21 of this Act dealt with cases of municipalities where there were no electoral divisions.

Section 137 of the Act is amended for the same reason.

The new section 138 of the Act enacted by section 23 of this Act provides for the terms of office of councillors elected after the Minister has made an order creating electoral divisions in districts which now do not have them, pursuant to the new section 139 enacted by section 24 of this Act which authorizes the Minister to establish divisions after a council has been elected by general vote.

Section 140 (2) of the Act amended by section 25 of this Act refers to the terms of office of councillors when the number of councillors is other than six by an order of the Minister made under section 132 or section 139 as amended above.

Section 26 of this Act strikes out subsection (4) of section 160 as no longer applicable by reason of all municipal districts having divisions.

The amendment to section 198 of the Act made by section 27 of this Act authorizes a council to pass by-laws for the purposes mentioned in the section, the purchase of land for erecting machine shops, for use as a community grazing pasture, and for use as an airport. Subsection (3) which is struck out is covered in the above amendment.

Section 216 amended by section 28 of this Act authorizes a council to pass a

by-law for the purpose of disposal of property acquired for a specific purpose when the property, in the opinion of the council, is no longer needed for the purpose, subject, however, to a plebiscite. The amendment removes the necessity of a plebiscite and substitutes for it the approval of the Minister.

Section 220 of the Act provides that a council may pass a by-law for the purpose of uniting with other municipal districts in constructing public works, etc. The amendment made by section 29 of this Act extends this authority so that there may be co-operation with other municipalities besides municipal districts.

Section 30 of this Act extends the authority of the council given by section 245 (1) to make provision for residences for doctors and nurses.

The new section 245a enacted by section 31 of this Act, authorizes the council to pass a by-law for providing, in co-operation with other municipalities, isolation hospital facilities either by providing for the erection of a hospital or by making an agreement with an existing hospital. Authority is given to borrow for this purpose without the necessity of a plebiscite or the approval of the Board of Public Utility Commissioners.

Section 278 which is struck out by section 33 of this Act is no longer appropriate as it deals with municipal districts which are not divided into divisions.

Section 279 is struck out by section 34 of this Act and a new section substituted. The new section provides that a person or persons appointed by the council recommend to the council what public works be undertaken. Formerly the councillor representing a division made the recommendation as to his own division. Subsection (2) gives the council power to determine what works are to be undertaken and the cost thereof; also the location of the works. There is no very material change in subsections (3), (4) and (5).

The proviso to subsection (1) of section 305 struck out by section 35 of this Act required the consent of the Board of Public Utility Commissioners to the bringing of an action for taxes against a person who obtained title to land by foreclosing a mortgage.

Section 36 of this Act strikes out section 326 and substitutes a new section. The section is amended to include school divisions and to refer to *The School Act* under which requisitions by school divisions are made, other requisitions being made under *The School Taxation Act*.

The new section 333a enacted by section 37 of this Act gives authority to a council, with the approval of the Minister, to cancel taxes which are uncollectible and are no longer secured by a charge on property.

This Act came into force on April 6, 1945.

IMPROVEMENT DISTRICTS ACT AMENDMENT ACT

(Chapter 43)

Paragraph (a) of section 1 of this Act is intended to clarify the definition of "conditional owner". The definition formerly in the Act refers to "any person entitled to the possession of land which is exempted generally from taxation by the Province". There has been doubt expressed as to the precise meaning of this and the new definition is intended to remove that doubt.

The change in the definition of "Minister" is made necessary by the fact that the administration of indigent relief in improvement districts under sections 43 and 44 of the Act has been transferred to the Minister of Public Welfare, so that under those sections "Minister" means Minister of Public Welfare.

The amendment to section 4 authorizes the Minister to alter the name or number of an improvement district.

Section 3 of this Act strikes out section 14 of the Act. That section authorized the Minister to fix a minimum tax

for hospital purposes. This is considered a duplication where municipal hospitals are established and is accordingly struck out.

Section 4 of this Act amends section 20 of the Act by increasing the discount on taxes for prompt payment of taxes from five to six per cent and changing the date of payment which entitles a person to the discount from the fifteenth of December to the fifteenth of November.

The amendment to section 21 made by section 5 of this Act is necessitated by the foregoing change.

The amendments to sections 43, 44 and 45 made by sections 6, 7 and 8 of this Act arise out of the transfer of the administration of indigent relief from the Minister of Municipal Affairs to the Minister of Public Welfare, the principal change being the substitution of Minister of Public Welfare for Minister of Municipal Affairs in those sections.

This Act came into force on March 28, 1945.

ALBERTA MUNICIPAL ASSESSMENT COMMISSION ACT AMENDMENT ACT

(Chapter 44)

Section 17 of the Act amended by this Act sets out the jurisdiction of the Alberta Assessment Commission including an appeal from the revision by the Petroleum and Natural Gas Conservation Board of the assessment roll under *The Mineral Taxation Act*. Under the new *Mineral Taxation Act* the appeal is direct to the Commission, which makes necessary the amendment which gives the Commission jurisdiction to hear an appeal direct from an assessment under the said Act.

This Act came into force on April 6, 1945.

ASSESSMENT ACT AMENDMENT ACT

(Chapter 45)

Section 1 of this Act amends various paragraphs of the interpretation section of the Act. Paragraph (a) of the sec-

tion is intended to clarify the definition of "conditional owner". The new definition is the same as is now being inserted in *The Improvement Districts Act* and other municipal Acts. Paragraph (b) amends the definition of "Farm Land". Paragraphs (c), (d), (e) and (f) of section 1 of this Act strike out the reference to minerals in the definitions as they will not, under the amendments, be assessed any longer by municipalities but only under *The Mineral Taxation Act*.

Section 2 of this Act strikes out subsection (2) of section 3 which is now inappropriate in view of changes in *The School Taxation Act*.

Section 3 of this Act includes minerals in the list of exempted property set out in section 5 of the Act.

The amendments contained in section 4 of this Act are intended to clarify section 6 of the Act and paragraph (c) strikes out subsection (5) which is inappropriate by reason of changes in *The School Taxation Act*.

Section 5 of this Act amends section 7 of the Act, and paragraph (b) splits up the former subsection into subsections (2) and (2a), the former dealing with the certificate as to assessed value in a town or village to be furnished to a school division or school district and making it clear that the assessed value to go in the certificate is the value based on one hundred per cent of both land and improvements. The new subsection (2a) is the old subsection (2) (a) authorizing a town or village to exempt from assessment all or a portion of the value of the improvements.

Section 6 of this Act strikes out section 9 of the Act.

Section 8 of this Act amends subsection (6) of section 21 dealing with business taxes by dividing the subsection into two parts, one dealing with the business tax for municipal purposes, and the new subsection (6a) dealing with the same tax for school purposes. The rate for school purposes cannot exceed the rate levied by a municipality on land for school purposes, that is upon land in a school division or school dis-

trict which is also within the municipality. This section also amends subsections (13) and (14) of section 21 by giving the Alberta Assessment Commission jurisdiction on an appeal from assessment of business tax to consider as to whether a tax is unfair, the jurisdiction now being limited to cases of discrimination.

Section 9 of this Act amends section 26 of the Act dealing with the assessment roll. The amendments made by paragraphs (a), (b) and (c) of section 9 of this Act are merely striking out references to minerals which will no longer be appropriate. Paragraph (d) of the section strikes out paragraph (n) of section 26 which will be no longer applicable in view of the proposed amendments to *The School Taxation Act*. Towns will no longer be requisitioned by the school district with respect to the area of the district outside the town limits. Such requisitions will go to the municipal district or other municipality in which the lands are. Paragraph (o) is struck out because the provision is covered by subsection (2) of section 26. Certain provisions which effect changes in methods of taxation and the position of school districts come into force on January 1st, 1946, at which time certain amendments to *The School Taxation Act* will come into force.

This Act came into force on April 6, 1945, except section 2, paragraph (c) of section 4, paragraph (b) of section 5, and paragraph (d) of section 9, which come into force on January 1, 1946.

TOWN PLANNING ACT AMENDMENT ACT

(Chapter 46)

This Act amends subsection (10) of section 35. This subsection formerly provided that no plan containing more than ten lots subdivided for selling in allotments shall be registered in a Land Titles Office without an order of the Town and Rural Planning Advisory Board. The amendment makes this restriction apply only where the plan contains more than fifty lots.

This Act came into force on March 28, 1945.

SCHOOL ACT AMENDMENT ACT

(Chapter 47)

Section 1 of this Act amends the definition of "Elector" in a town district. This amendment is necessary to qualify the voters in the area of the school district outside the city or town, as they will no longer be on the town voters' list by reason of changes made in other Acts.

The amendment made by section 2 of this Act cures an omission and enables the Minister to establish by order a rural high school district.

The change made to paragraph (m) of section 126 by section 4 of this Act extends certain privileges to students in the Faculty of Education of the University which now undertakes the training of teachers.

Section 5 of this Act amends section 12 of the Act and, by paragraph (a) authorizes the Board of a school district to pay a person to supervise a group of pupils receiving correspondence tuition from the Department; and by paragraph (b) authorizes the Board of a town district to appoint standing committees who shall have the powers of the Board with certain specified exceptions.

Section 137*a* of the Act, amended by section 6 of this Act, deals with the provisions of conveyance from one district to another of pupils. The amendment limits this provision to pupils in Grades I to IX.

Section 7 of this Act provides that the summer vacation for the current year shall be from July 8th to September 9th.

Section 8 of this Act introduces a new section 157*a*. Sections 156 and 157 referred to in the section deal with the reading of Scriptures, etc., and religious instruction which may be permitted by the Board previous to the closing of school in the afternoon. The amendment provides that "Board" in these sections means the Board of each school district and not the Divisional Board.

Section 165 of the Act, amended by section 9 of this Act, deals with the

engagement of a teacher and the proviso sets out how an engagement may be completed by correspondence signed by the chairman or secretary. The amendment makes this proviso applicable also in the case of a division, to correspondence by the superintendent of a division, if so authorized by a resolution of the Board.

Section 10 of this Act amends section 172 of the Act by increasing the minimum salary to one thousand dollars per year.

The purpose of section 11 of this Act is to combine in one section the provisions as to the borrowing powers of Boards. The previous provisions were somewhat overlapping and were contained in sections 182 and 183 which are repealed by a new section 182.

Section 184 of the Act deals with the issue of debentures, and the amendment made by section 12 of this Act authorizes in a general way the issue of debentures for refunding purposes. This matter is dealt with in detail in the next section of this Act, 13, which enacts a new section 208a which authorizes School Boards to borrow money by issuing debentures for the purpose of taking up outstanding debentures. It is provided that a by-law for such purpose does not require to be submitted to the proprietary electors. It must however be submitted to the Board of Public Utility Commissioners for approval.

Section 215 of the Act, amended by section 14 of this Act, deals with the fees chargeable with respect to non-resident pupils. The new subsection (2) of section 215, dealing with pupils under Grade IX, puts the fees on a monthly instead of a daily basis, and provides that taxes on property in the district or division by the parent shall be deducted. The former provision was that the fees, together with the taxes, should not exceed sixteen dollars. The provision of paragraph (b) is practically the same as before except that the fee recoverable is as fixed in paragraph (a). Paragraph (c) deals with a parent who does not reside in any school district but on land subject to education

tax. A limit of twenty dollars for his family is placed on the fees payable by him, the balance to be provided by grant and taxes are to be credited on the amount payable by the parent. Amendments to subsections (3) and (4) cure an omission as to the fees payable in Grades IX and over where the parent resides outside any school district.

Section 15 of this Act amends section 257 of the Act by doing away with the necessity of having both a deputy returning officer and a poll clerk at an election of a trustee to represent a subdivision on a divisional board. The new subsection (9) added to section 257 directs certain advertising by the returning officer prior to the election.

Section 16 of this Act establishes the official name of a division as the Board of the School Division instead of having it fixed by the Minister.

Section 271 of the Act, amended by section 17 of this Act, deals with the assets and liabilities of school districts included in a division, and provides that a surplus of assets of a school district shall after the third year be available to the school division for certain purposes of the school district. The amendment provides the procedure to be followed by a divisional board if it desires to have this fund transferred to the general revenue of the division.

The amendment made by section 18 (a) of this Act increases the per diem allowances of divisional trustees attending meetings, from five dollars to six dollars.

Section 19 of this Act amends section 275 (1) of the Act by enacting new provisions as to the allowances to be made to secretary-treasurers of school districts in divisions. Formerly the honorarium in all cases was not more than ten dollars, with an accountable advance for stationery, etc. The same section is also amended by authorizing Boards of divisions to remove school buildings, and to pay trustees for days spent in administrative and supervisory work for the Board.

Section 20 of this Act enacts a new section 275a regarding special committees of divisional boards, and their powers are similar to the section in the earlier part of the Act relating to town school districts.

The new section 285a, enacted by section 21 of this Act, enables electors of a school district which is to be included in a division on January 1st of any year, to vote or be a candidate at a subdivisional election (if one is being held) although the order admitting the district into the division has not yet become effective.

Section 285b enables the Minister to create certain town and village districts joining a division into separate subdivisions.

Section 22 of this Act strikes out section 287 and enacts a new section 287. The section deals with agreements whereby school districts have been included in divisions and extends the power of the district and division to vary the agreement by consent, and provides that after three years from the consent variation, the provisions as to arbitration shall apply when necessary.

Section 290, amended by section 23 of this Act, deals with increased requisitions on villages and hamlets by reason of the expenditures being in excess of the average "by reason of the density of the population". The amendment strikes out the words quoted. Paragraph (b) of section 23 corrects an error in the last line of subsection (1). "Section 298" becomes "Section 296". Paragraph (c) provides that the increased levy shall continue from year to year until changed by resolution.

Section 24 of this Act corrects an error in phraseology.

Section 300, struck out by section 25 of this Act, is now provided for in an earlier section.

The Order in Council validated by section 26 of this Act, authorized the issue of refunding debentures by school districts.

This Act came into force on April 6, 1945 .

SCHOOL TAXATION ACT AMENDMENT ACT

(Chapter 48)

Section 2 of this Act strikes out section 3 of the Act which applied the provisions of Part I relating to districts collecting their own taxes to village districts, consolidated districts and districts empowered by the Minister to levy taxes. The new section 3 applies these provisions in future only to cases where the Minister empowers districts to collect their own taxes. Town, village and consolidated districts will in future be all requisitioning districts unless an Order in Council is passed pursuant to section 3.

Section 3 of this Act amends section 8 of the Act dealing with minimum taxes by striking out subsections (1) and (2) and substituting new ones. By subsection (1) a board may by resolution levy a minimum tax up to ten dollars for each dwelling on a parcel of land where the dwellings have separate entrances or for each apartment in an apartment block: summer cottages are exempted; also buildings exempted under *The Assessment Act*, such as farm buildings. These provisions are similar to those already in *The School Act* with reference to divisions. The other changes to section 8 are made necessary by the change in subsection (1).

The changes made in section 27 of the Act by section 4 of this Act are made necessary by the other changes in the Act which make all districts requisitioning except those which have been empowered by the Minister to levy taxes.

Section 5 of this Act enacts a new Part V. This Part formerly referred only to town districts and now refers to town, village and consolidated districts and provides the procedure for the districts requisitioning, etc. A district shall requisition each municipality within its bounds. Where formerly a town district requisitioned the town for its whole estimate, it will in future requisition the town and the rural municipality for their proportionate shares, according to assessments. The Minister

is empowered to reduce the total assessments of farm lands for the purpose of apportioning the requisitions. It is provided by subsection (6) of the new section 28 that arrears of taxes which have been levied by a district or town or city on property outside the limits of the city, town or village, shall be collected by the rural municipality and used in paying requisitions.

Section 6 repeals *The Tax and Rate Collection Act* which is no longer necessary in view of the provisions of this Act.

Section 3 of this Act came into force on April 6, 1945, and the balance of the Act comes into force on January 1, 1946.

TEACHERS' RETIREMENT FUND ACT AMENDMENT ACT

(Chapter 49)

This Act amends section 7 of the above Act. That section provides that the board of trustees of each city, town, village and consolidated school district (not being within a school division) shall pay into the Fund established by the Act, at the end of each month, an amount equal to one-half of one per cent of the total amount of salary earned by the teachers in that month.

The amendment extends this liability to school divisions.

This Act came into force on March 28, 1945.

RESEARCH COUNCIL ACT AMENDMENT ACT

(Chapter 50)

Section 1 of this Act strikes out section 5 and substitutes a new section 5. The new section 5 authorizes the Research Council to acquire all kinds of property and to retain the same as its own property, without any obligation to turn it or its proceeds into the General Revenue Fund. This also applies to moneys earned by the Council or received by way of fees and royalties. This, however, is made subject to the proviso that the Lieutenant Governor

in Council may order the transfer to General Revenue of any cash surplus not required by the Council for its purposes. The moneys first above referred to are required by subsection (3) to be placed in a special account separate from the appropriations by the Legislature.

Section 2 of this Act strikes out section 15 and substitutes a new section 15. The object of this amendment is to make it clear that the moneys in the special account as well as the moneys appropriated by the Legislature are subject to audit by the Provincial Auditor.

This Act came into force on March 28, 1945.

PUBLIC HEALTH ACT AMENDMENT ACT

(Chapter 51)

Section 1 of this Act amends section 7 of the Act by adding at the end of paragraph (k) the words set out. This paragraph is included in the matters with respect to which the Provincial Board of Health, with the approval of the Lieutenant Governor in Council, may make regulations. The paragraph now reads: "the location, construction, maintenance and operation of cemeteries". The added words extend the authority to regulate cemeteries by providing for the setting aside of a portion of a cemetery for service men and fixing fees in connection with the burial.

Section 2 of this Act introduces a new section 7a dealing with the subject of pasteurization of milk. Cities, towns and villages (except those under three hundred population) are authorized to pass by-laws on this subject requiring milk sold in the municipality to be pasteurized. The by-law must be approved by the Provincial Board of Health and does not apply to milk brought into the municipality by producers and sold to wholesalers, processing plants, etc. Provision is made that the by-law shall not be finally passed unless approved by sixty-five per cent of the electors in a plebiscite. "Elector" is defined as meaning a person entitled to vote for a member of the council.

Section 3 of this Act strikes out section 13c and substitutes a new section 13c. The former section limited the authority of the Provincial Board to require alterations, etc. to a water or sewerage system for the purpose of guarding against injury or danger to the public health. The new section extends this authority to changes necessary to provide a sufficient supply of water at adequate pressure at all times to meet the ordinary needs of occupants of houses connected with the system.

Section 4 of this Act adds two new subsections, (5) and (6), to section 13f. Subsections (1) to (4) of this section deal with the powers of the Provincial Board of Health with respect to water-works, water purification plants and sewerage systems in municipalities. The new subsection (5) deals with the power of the Board outside municipalities, that is, outside cities, towns or villages, and provides that where the owner or lessee of land constructs or maintains premises capable of housing one hundred or more persons, the Board may require the installation of a water-works or water purification plant or a sewerage project. The new subsection (6) makes any works constructed pursuant to the Board's order public utilities and thus subject to the control of the Board of Public Utility Commissioners as to rates.

The amendment to section 13g made by section 5 of this Act is made necessary by the introduction of the new subsection (5) of section 13f.

Section 6 of this Act introduces into the Act a new section 15a which authorizes the Provincial Board to inquire into complaints with respect to the discharge into the atmosphere of dust, vapour, smoke or fumes and the consequent impairment and corruption of the air, and impairment of the comfort or health of the public. The Board is authorized to report to the Minister fixing the responsibility for the above, and advising as to what remedial measures are necessary. Provision is made for the Board requiring a report from the person held responsible as to the equip-

ment necessary to eliminate the injury complained of and its cost. Provision is made by subsection (5) for application to a judge for an order requiring the person responsible to carry out recommendations of the Board and restraining him from continuing the injury until the elimination or alleviation called for by the judge's order have been carried out.

Section 7 of this Act strikes out subsections (1) and (2) of section 25 and substitutes three new subsections. These subsections deal with the organization of full-time health districts. Subsection (1) formerly provided for such districts consisting of a number of municipalities. The new subsection (1) enables one municipality to be organized as a health district, or parts of municipalities to be included in health districts, the change being made necessary by the organization of the enlarged municipal districts. Subsection (2) extends the staff which may be appointed to include a dentist, a nutritionist, and other technical staff where deemed necessary. A health district may now be established with a staff consisting of a medical practitioner, a dentist, one or more trained nurses, a sanitary inspector, a nutritionist, or any of them. The new subsection (2a) provides for dental service where a full-time dentist is not employed.

This Act came into force on March 28, 1945.

HOSPITALS ACT AMENDMENT ACT

(Chapter 52)

Section 1 of this Act introduces a new definition of "local authority". The new definition is required because the administration of indigent relief in improvement districts has been transferred from the Department of Municipal Affairs to the Department of Public Welfare. The definition also clarifies the position of special areas, which are administered by the Department of Lands and Mines.

Section 2 of this Act strikes out subsection (1) of section 3 and substitutes

a new subsection. The subsection struck out authorized the payment of a per diem allowance or grant to hospitals of not more than fifty cents for each person treated or admitted to a hospital. The new subsection gives authority to the Lieutenant Governor in Council to fix the allowance without reference to any particular amount and also gives authority to the Lieutenant Governor in Council to exclude certain classes of persons hospitalized in estimating the allowance payable.

The amendment made to section 10 of the Act by section 3 of this Act is made necessary so as to limit the authority of the Minister of Municipal Affairs to cities, towns, villages, municipal districts and improvement districts for purposes of indigent relief being under the Department of Public Welfare as above pointed out.

This Act came into force on April 6, 1945.

MUNICIPAL HOSPITALS ACT AMENDMENT ACT

(Chapter 53)

This Act amends *The Municipal Hospitals Act*, being chapter 185 of the Revised Statutes of Alberta, 1942.

Section 1 of this Act amends section 2 of the Act. Paragraph (a) is intended to clarify the definition of "Board" in the Act. Paragraph (b) amends the definition of "ratepayer" in so far as tenants of government lands are concerned. Only tenants of government land in a special area will hereafter be classed as ratepayers.

Section 2 of this Act enacts a new subsection to section 5 of the Act. This new subsection affects the case where a petition is received for the establishment of a municipal hospital in an area in which there already is a hospital. It authorizes the Minister with the approval of the Lieutenant Governor in Council to impose conditions with respect to the existing hospital before granting the petition.

Section 3 of this Act amends section 8 of the Act by making it no longer necessary for the Minister to appoint a member of the Provisional Board to represent each improvement district but only as to the number allocated.

Subsection (3) of section 11 of the Act, which is struck out by section 4 of this Act, provided for a scheme including a minimum annual hospital tax commonly known as a poll tax by all persons twenty-one years of age and gainfully employed. This appears to be a duplication as there is already in the section provision for ratepayers paying a minimum tax and non-ratepayers obtaining hospital benefits by certain annual payments.

The amendments made to section 28 of the Act by section 5 of this Act cure an omission in the Act to cover the procedure where a district is disestablished before any vote is taken.

Section 6 of this Act amends section 33 of the Act by changing the date of election in municipal districts to the fourth week following nomination to agree with amendments made to *The Municipal District Act* at the 1944 session.

Section 7 of this Act introduces a new section 33a which authorizes a municipal council to be represented by one of their number at hospital board meetings, who could take part in discussion but have no vote.

Section 8 of this Act amends section 34 (1) of the Act dealing with qualifications for election to the hospital board. The change made requires a candidate to reside in the ward he wishes to represent where the municipality is divided into wards under this Act (Section 11 of this Act).

Section 9 of this Act enacts a new subsection (1) to section 40 of the Act, dealing with the hospital voters' list. This change is made necessary by the changes made last session in the franchise in elections in municipal districts.

The amendment made to section 41 of the Act by section 10 of this Act makes

it clear that the secretary of a municipality must furnish lists of hospital voters, that is, ratepayers even though there is no municipal election.

The amendment made to section 43 of the Act by section 11 of this Act authorizes the hospital board to divide a municipal district into wards for the purpose of electing board members and requires voters to vote in the ward where their property is or in which they reside. The creation of enlarged municipal districts makes these amendments necessary.

The amendment to section 46 made by section 12 of this Act extends the time within which the first meeting of the Board shall be held in each year from the fifteenth day of March to the fifteenth day of April.

Section 13 of this Act amends section 48 of the Act.

(a) the words struck out of subsection (1) "or appointed" are now inappropriate as all board members are elected.

(b) The new subsection (3) cures an omission.

Section 14 of this Act also cures an omission in section 49 of the Act. Both these deal with notice of vacancies occurring on the Hospital Board.

The amendments made to section 51 by paragraphs (a) and (b) of section 15 merely provide for a vice-chairman of a board. Paragraph (c) merely changes the name of the "Hospital Association" by striking out the word "Municipal".

Section 16 of this Act strikes out subsection (1) of section 72 and substitutes a new subsection. Frequently it is found that the estimated cost of a hospital which is voted on by the ratepayers is exceeded and the authority of the Board to issue debentures in excess of the amount voted on is extended by the amendment to include cases where the Board of Public Utility Commissioners after inquiry is of opinion that the additional expense is reasonable.

Section 17 of this Act amends section 73 of the Act dealing with estimates and division of the same among contributing units. The amendment provides that the estimates of the Board shall be sent to the Board of Public Utility Commissioners instead of to the Minister and that Board's decision on the total estimates shall be final. The Board of Public Utility Commissioners in settling the estimate may also vary the division of the estimate made by the hospital board among the contributing units. Formerly the Utility Board decided the last mentioned matter if the Minister and the hospital board disagreed. Now it goes direct to the Utility Board. Any twenty-five ratepayers of a contributing unit may apply to the Utility Board to vary the division made by it.

Section 18 of this Act, by striking out subsection (6) of section 75, abolishes the discount given to contributing councils for payment of requisitions before their due date.

Section 19 of this Act amends Form A so as to extend to tenants of Government land in a special area the right to vote on a municipal hospital scheme.

Section 20 of this Act amends Form D by limiting the right of tenants of Government lands to vote, to tenants of land in the special areas.

The change in Form E made by section 21 of this Act authorizes debentures to be issued under which the annual payments are of combined principal and interest.

This Act came into force on March 28, 1945.

MATERNITY HOSPITALIZATION ACT AMENDMENT ACT

(Chapter 54)

This Act adds a new subsection (1a) to section 3 of the Act. Subsection (1) authorizes the Minister of Health to enter into agreements with hospitals for the care and treatment of maternity patients. In certain parts of the Province to the west and north there are no

hospitals in the Province where patients can be treated except at great distances. The object of the amendment is to empower the Minister to enter into agreements with hospitals outside the Province which may more conveniently be used.

This Act came into force on March 28, 1945.

RURAL MUTUAL TELEPHONE COMPANIES ACT AMENDMENT ACT

(Chapter 55)

This Act incorporates a new section in the above Act. This section applies only to rural mutual telephone companies who, some years ago, acquired their plants and equipment from the Government. (See subsection (6)). The section authorizes the Minister to expropriate the plant and equipment of such a company where it has committed a breach of its agreement with the Government or a breach of any of the provisions of the Act or regulations, or where the Minister deems such action advisable. The procedure by which the expropriation is effected is set out in subsections (2) and (3). Subsection (4) provides the compensation to be paid, namely the amount paid by the Company to the Government on the purchase of the plant, etc., together with an amount equal to what the Minister considers a fair value of the property owned by the Company over and above that obtained from the Government, also any amount the Company may have paid for easements or rights-of-way which are taken over under the section.

This Act came into force on April 6, 1945.

ALBERTA INSURANCE ACT AMENDMENT ACT

(Chapter 56)

Sections 1 and 3 of this Act correct printers' or proofreaders' errors in the Revised Statutes.

Section 2 repeals section 189 of the Act and substitutes a new section. The

former section authorized the Superintendent to require an insurer to file with him a copy of any form of policy or form of application used by the insurer. The new section 189 extends this authority to require the filing of any endorsement or rider and to advertising material used by the insurer.

Section 4 adds a definition of "will" to section 202 as including a codicil.

Section 5 of this Act strikes out subsection (2) of section 226 and replaces it by the new subsections. The new subsection (2) of section 4 deals with the rights of ordinary beneficiaries under a life insurance policy. The rights of beneficiaries for value and preferred beneficiaries such as husband, wife, children, grandchildren, etc., as defined in section 224 are defined in the Act but it has been held in a recent case in Ontario that an ordinary beneficiary named in a policy has no right of action against an Insurance Company. The intention of subsection (2) is to give an ordinary beneficiary or a trustee of an ordinary beneficiary such right of action, subject to any defences which the company might have against the person insured. The new subsection (3) is a revision of the former subsection (2) and extends the application of that subsection to a designation of a beneficiary in other instruments in writing as well as a will and fixes the time from which a declaration shall take effect. The rights of beneficiaries for value and assignees for value of a policy are protected unless the declaration has been filed at the head office in Canada of the company before the beneficiary for value or the assignee for value acquired his interest. Subsection (4) provides for a copy or the material part of a will to be filed with the company.

Section 6 cures an error in section 233 by striking out the words "subject to subsection (4)" and substituting "subject to subsection (2)".

Section 7 of this Act amends section 258 of the Act which is in Part VII of the Act dealing with automobile insurance. The definition of "automobile"

in this Part includes all self-propelled vehicles and would thus include tractors used in the bush, vehicles operated within a manufacturing plant or business, and certain types of contractors' equipment. It is considered desirable that such vehicles should be insured along with other equipment of the owner and the effect of the amendment is to remove them from the application of the Part of the Act relating to automobiles except the provisions of section 278 which continue to apply to these vehicles and which deals with the rights of persons having claims against the holder of the policy.

Section 8 of this Act introduces a new section 263a into the Part of the Act dealing with automobile insurance and requires forms of policies or endorsements on policies to be filed with the Superintendent for thirty days before issue and prohibits their issue if the forms have been disapproved within that time.

Section 9 of this Act enacts a new subsection (7) to section 278 in substitution for the former subsection, which gave an insurer the right upon application to the Court to be made a third party where it denies liability under a motor vehicle liability policy. This right is continued in the new subsection, and under it the insurer, when added as a third party, is given the right to contest the liability of the insured to any party claiming against the insured and the amount of the claim, and is given generally the rights of a defendant, irrespective of whether the actual defendant files a defence or not.

This Act came into force on March 28, 1945, except sections 5 and 8 which come into force on July 1, 1945.

GOVERNMENT OF ALBERTA INSURANCE ACT AMENDMENT ACT

(Chapter 57)

As a matter of convenience, it is thought desirable to change the fiscal year of the Fire Insurance Branch of the Government Insurance Office from the calendar year to the period from

October 31st in one year to the same date in the next year. This is the purpose of the new subsection (1) of section 19 enacted by section 1 of this Act. This change necessitates a proviso to the subsection which makes a fiscal period of the first ten months of the year 1945. Subsection (1a) of section 19 is the same as the former subsection (1) but is limited to the Life Insurance Branch of the Office.

This Act came into force on March 28, 1945.

LAND TITLES ACT AMENDMENT ACT

(Chapter 58)

The new definition of "land" inserted by section 1 of this Act corrects an error in the definition by transferring the words "appertaining thereto" to their proper place in the definition.

Section 2 of this Act amends section 70 of the Act which deals with registration of a judgment declaring the title of a person in occupation of land for the necessary period under *The Limitation of Actions Act*. The words "by reason of adverse possession" are now inappropriate and in conflict with *The Limitation of Actions Act*, and are struck out.

Section 3 of this Act amends section 106 of the Act which deals with the registration of an order in a foreclosure action vesting the title in the mortgagee. When such an order is registered the land may be transferred and the title obtained by the transferee cannot be attacked. The amendment protects a mortgagor who has filed a defence or demand of notice and who may wish to appeal from the foreclosure order by preventing the registration of the order until the Registrar is satisfied no appeal is pending or that if an appeal has been brought, it has been disposed of in favour of the mortgagee. The amendment to subsection (2) of the same section strikes out the words "*order nisi for foreclosure*", which are considered inappropriate in this Province.

This Act came into force on March 28, 1945.

**LAND SALES PROHIBITION ACT
AMENDMENT ACT**

(Chapter 59)

The Act amended by this Act prohibits Hutterites from purchasing land in the Province or from registering transfers, except where the agreement resulting in the transfer was made before March 1st, 1942.

Section 9a of this Act limits the operation of the Act to the period of the war and for one year thereafter.

Section 9b makes the Act inapplicable to transfers or agreements hereafter made between Hutterites in carrying out contracts made before the Act was passed.

This Act came into force on March 28, 1945.

**BUILDING ASSOCIATIONS ACT AMENDMENT
ACT**

(Chapter 60)

Section 42 of the above Act, which this Act amends, provides that the provisions of Part I of the Act with the exception of certain specified sections, shall apply to co-operative building associations. The amendment adds to these exceptions section 5 which does not apply to co-operative building associations, the same ground being covered by section 32 in Part II which relates to co-operative building associations.

This Act came into force on March 28, 1945.

CHILD WELFARE AMENDMENT ACT

(Chapter 61)

This Act amends section 68 by striking out subsections (1) and (2) and substituting a new subsection. As it formerly stood the section required the publisher of a periodical before publishing an advertisement dealing with adoption, boarding or care of a child to obtain from the advertiser a memorandum of his name, address and occupa-

tion, which must be submitted with the advertisement to the commission for approval. The intention of the amendment is to prohibit the publishing of any advertisement dealing with the adoption of a child.

This Act came into force on March 28, 1945.

HOURS OF WORK ACT AMENDMENT ACT

(Chapter 62)

Section 1 of this Act strikes out the definition of "overtime" in section 2. This word does not appear in the Act and the definition was included in error. "Overtime" is defined in the Minimum Wage Acts.

The amendment made by section 2 of this Act provides that the working hours of all employees shall not exceed eight in the day and forty-eight in the week. As the section formerly stood, the working hours for males was not to exceed nine in the day and fifty-four in the week. The hours of work for females is not changed by the amendment.

Section 10 of the Act which is amended by section 3 of this Act, provides for twenty-four consecutive hours of rest in every consecutive period of seven days unless it is otherwise ordered by the Board of Industrial Relations. Subsection (3) as it formerly stood provided that an order may provide for consecutive rest periods in relation to a monthly work period; the amendment changes the monthly work period to a work period of four weeks.

This Act came into force on March 28, 1945.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT ACT

(Chapter 63)

Section 1 of this Act amends section 5 of the Act in a number of respects. This section deals with collective bargaining.

(a) Increases from fourteen days to twenty-one days the time within which

the Board of Industrial Relations must report to the Minister as to whether a trade union or other organization, claiming to be the bargaining agent, has received the votes of a majority of the employees, etc.;

(b) adds to subsection (9) a provision as to the composition, in part, of an arbitration board where a dispute has been referred to arbitration;

(c) and (d) strikes out subsection (10) and add the new subsections (10), (10a) and (10b) which provide for the completion of the arbitration board. The former subsection (10) applied all the proceedings under later sections of the Act dealing with arbitrations;

(e) strikes out subsection (13) which is re-enacted in the Act as a separate section, 5b;

(f) adds a new subsection declaring what employees are entitled to vote on the selection of a bargaining agent, or under section 45 (dealing with the acceptance or rejection of an award in an arbitration). They must have been members of a trade union or employees' organization for three months and be then in good standing, or must have been in that employment for at least three months;

(g) strikes out subsection (15) and substitutes three new subsections. These deal with the term of a collective agreement which must be for not less than a year, and with the term of office of a bargaining agent which is to be not less than ten months. Where the term of an agreement is more than one year it may be terminated after a year on two months' notice. Provision is made by the new subsection (17) for a poll to be taken during the different shifts in an industry to enable all employees to vote.

Section 2 of this Act enacts as a separate section 5b the former 5 (13) and also enacts a new section 5c which gives the Board in holding an inquiry under the Act the same powers as may be given to a commissioner under *The Public Inquiries Act*.

Section 3 of this Act enacts a new subsection (2) to section 22 of the Act in place of the former subsection. The change prevents a person acting as an arbitrator if he has within six months acted as a solicitor, counsel or paid agent of either of the parties to the dispute.

Section 4 of this Act adds a new subsection (4) to section 46. This section prohibits employees striking during the period between an application for the appointment of a Conciliation Commissioner and fourteen days after the date fixed for the taking of a vote under section 45. That date is fixed by the Minister after an award has been made. The amendment makes it clear that no employees shall go on strike unless a vote has been taken and resulted in a majority of the employees affected voting in favour of a strike.

Section 5 of this Act enacts a new section 46a which prohibits a "slow down." This provision is similar to that contained in the regulations made by the National Labour Relations Board.

This Act came into force on April 6, 1945.

MALE MINIMUM WAGE ACT AMENDMENT ACT

(Chapter 64)

Section 1 of this Act enacts a new definition of "overtime." In the definition formerly in the Act "overtime" was defined as the excess over ten hours in any one day or in excess of fifty-four hours in any one week. The new definition is time in excess of nine hours during any one day or forty-eight hours in a week or in either case time in excess of hours of work prescribed for the employment under *The Hours of Work Act*.

Section 2 of this Act amends section 13 (1) of the Act by the addition of words requiring the employer to preserve records of the names, wages and hours of work, etc., of employees to be kept for one year.

Section 3 of this Act enacts a new section 15a to make it clear that breaches of a board order as well as breaches of the Act are offences.

Section 4 of this Act amends section 18 of the Act by enacting a new subsection (1) extending from six months to twelve months the time after leaving the employment within which an employee may sue for the difference between the wages paid and the minimum wage, and also limiting the time to twelve months where the employee stays in the employment. The employee is also required to give notice of intention to bring an action within six months of leaving the employment or if he does not leave, within six months of entering the employment or the making of a minimum wage order whichever is later.

This Act came into force on March 28, 1945.

FEMALE MINIMUM WAGE ACT AMENDMENT ACT

(Chapter 65)

Section 1 of this Act introduces for the first time into this Act a definition of "overtime". The definition is the same as that inserted in *The Male Minimum Wage Act* by an amendment to that Act which repeals the former definition of "overtime". See note on that Act.

Section 2 of this Act adds a new subsection (2) to section 12 of the Act which requires employers to preserve for twelve months the records kept as to earnings and working hours of employees.

Section 3 of this Act enacts two new subsections to section 15 which enables an employee who has received less than the minimum wage to recover the difference by civil action, but action must be brought within twelve months of the date when the cause of action first accrued and the action is limited to wages for six months prior to bringing the action or prior to termination of employment. It is also necessary for

the employee to give notice of intention to bring the action within six months of leaving the employment, or if she does not leave, within six months of her entering the employment or the making of a minimum wage order whichever is later.

This Act came into force on March 28, 1945.

TEACHING PROFESSION ACT AMENDMENT ACT

(Chapter 66)

Subsection (4) of section 5 of the above Act which is repealed by this Act provided that if a member of a teaching order of the Roman Catholic Church was a member of the Alberta Teachers' Association and paid his membership fees, all other teachers of that order should be members without fee.

This Act came into force on March 28, 1945.

SOLEMNIZATION OF MARRIAGE ACT AMENDMENT ACT

(Chapter 67)

Section 4 of the Act, amended by section 2 of this Act, provides that no clergyman shall solemnize a marriage after the publication of banns unless the parties produce to him affidavits to the effect that they are not then infected with a venereal disease or tuberculosis. The amendment changes this requirement by the insertion in the affidavit of the words "to the best of his knowledge".

Section 3 of this Act amends section 8 by requiring payment of the sum of three dollars for a certificate of publication of banns.

Paragraph (a) of section 4 of this Act amends section 14 of the Act and makes the same change with respect to the affidavit on application for a marriage license as is made by section 2 of this Act. Paragraph (b) of section 4 of this Act adds a new provision to

section 14, requiring an applicant for a marriage license or for the publication of banns to have a blood specimen taken by a physician within fourteen days before the application or the first publication of banns and a certificate to that effect filed.

Provision is made by the new subsection (5) of section 14 for the Minister, with the approval of the Lieutenant Governor in Council to make regulations providing for dispensing with this certificate under certain circumstances to be set out in the regulations.

The amendment to section 18, made by section 5 of this Act, requires monthly returns to be made by the issuers of marriage licenses instead of quarterly returns as now provided in section 18. The new subsection (2a) added to the section requires a clergyman who solemnizes a marriage after publication of banns to attach to the registration of marriage the certificate of publication of banns, the health affidavit, physician's certificate, etc., and forward them to the District Registrar within three days of the marriage.

The Act is to come into force on July 1st, 1945.

MOTHERS' ALLOWANCE ACT AMENDMENT ACT

(Chapter 68)

An amendment to the definition of "widow" reduces the period of desertion necessary to entitle a woman to the benefit of this Act from five years to three years and gives the Superintendent, subject to the approval of the Minister, authority to determine when a woman qualifies. This jurisdiction was formerly in a district judge. The new definition also includes a woman who has lived for five years before his death in marital relations with a man but not married to him and has borne children registered as his.

The change made in section 4 strikes out the words "who was either a resident of the Province on the tenth day of April, 1920", which has long since

served its purpose and is no longer applicable, and add the words "or at the time of his desertion of his wife" to make it clear that the husband must have been a resident of Alberta at the time of the desertion.

This Act came into force on April 6, 1945.

LICENSING OF TRADES AND BUSINESSES ACT AMENDMENT ACT

(Chapter 69)

Section 1 of this Act amends section 4 of the above Act by inserting a new paragraph (g) to replace the former paragraph (g) and it now authorizes the Minister to make regulations setting out what an applicant for a license must do and the standards as to premises, etc., which must exist preliminary to the granting of a license.

Section 2 of this Act strikes out section 5 of the Act and enacts a new section 5. The present section 5 limits the authority of the Minister to refusing an application for a license; the new section extends his authority to applications for renewal and also empowers him to cancel or suspend an existing license when he is satisfied that it is in the public interest so to do.

This Act came into force on March 28, 1945.

POWER COMMISSION ACT AMENDMENT ACT

(Chapter 70)

This Act introduces a new section into the above Act. The main object of the amendment is to prevent the convenience of the public being disrupted by a municipality or other corporation which operates transmission lines discontinuing their services without any opportunity being given of having them continued. For this purpose it is provided that no such works may be dismantled or services discontinued without authority from the Commission.

Provision is made for an application to the Commission for such authority

after due notice, and the Commission is given power to make such order as seems just in the public interest.

This Act came into force on March 28, 1945.

BILLIARD ROOM ACT AMENDMENT ACT
(Chapter 71)

Section 12 of the above Act, which defines billiard room as a room in which a billiard table or bowling alley is set up for hire or gain, prohibits any person under the age of eighteen years from being employed in or about a billiard room. The amendment made by section 1 of this Act adds a proviso permitting girls or boys under the age of eighteen but over the age of sixteen to be employed in a bowling alley solely for the purpose of setting up pins with the written consent of their parent or guardian, while the existing war lasts. This provision is made because of the difficulty in getting adult persons for this class of employment at the present time.

This Act came into force on March 28, 1945.

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